IS CONSCIENCE A CRIME?

NORMAN THOMAS

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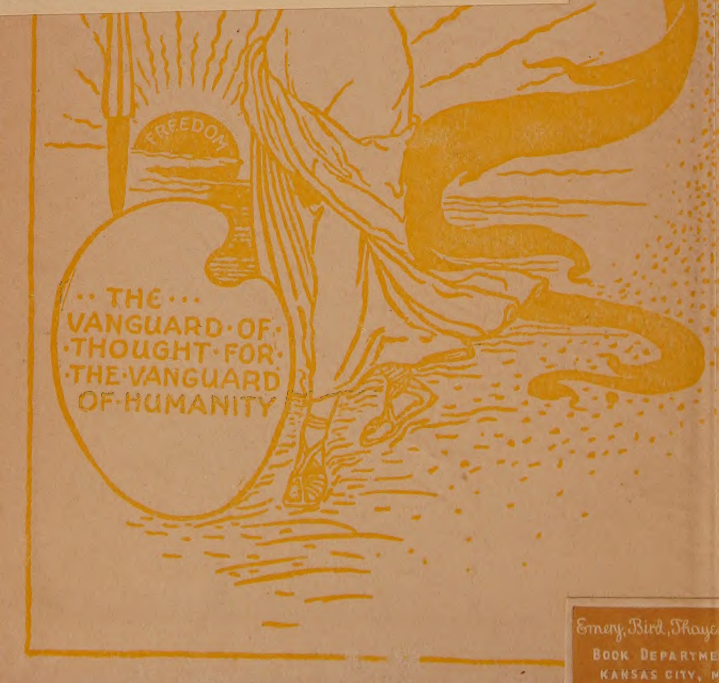

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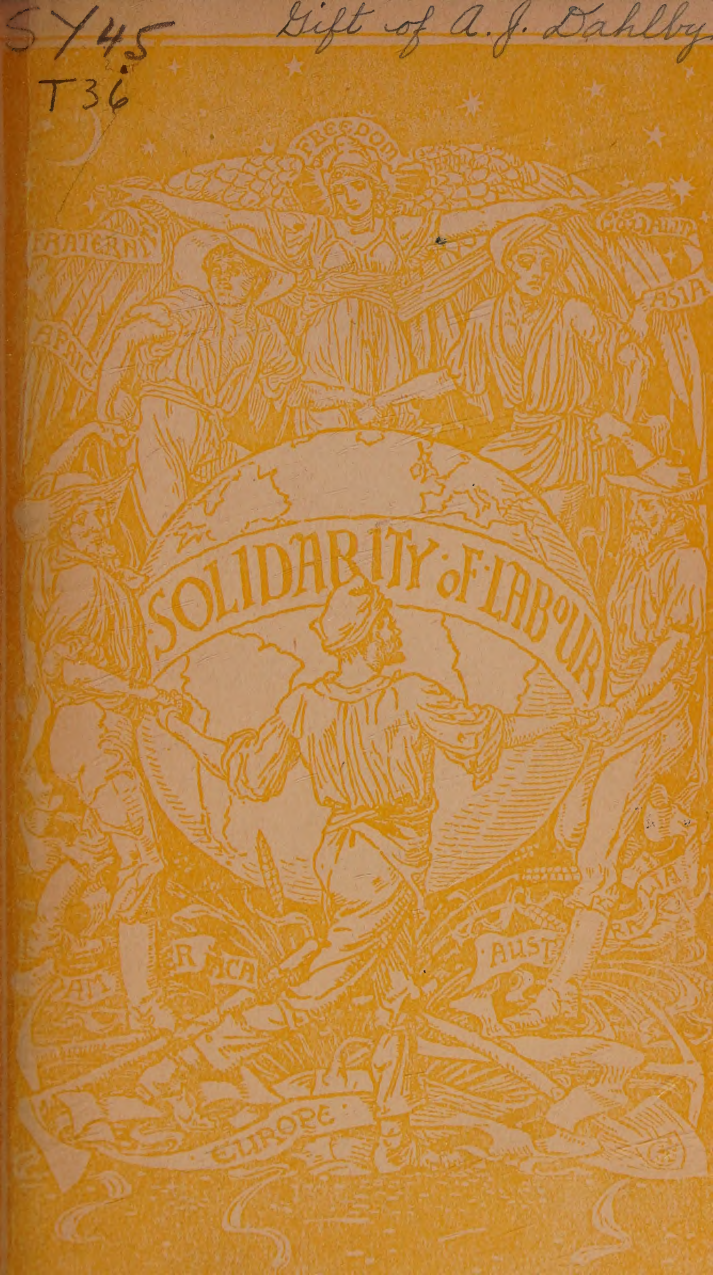

Is Conscience a Crime?

By NORMAN THOMAS

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War and Peace
Conscientious Objectors
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TO
THE BRAVE
WHO WENT FOR CONSCIENCE' SAKE
TO TRENCH OR TO PRISON
THIS BOOK IS DEDICATED

13086

PREFACE

THE material in the present volume made up the "Conscientious Objector in America," published in 1923 by B. W. Huebsch, Inc. Since the book was originally published the notion that disobedience to the State may be the duty of the citizen—which is the very essence of conscientious objection—has persisted in our civil life and brought forth some interesting fruits. Men who were no friends to conscientious objectors in war time have discovered and applied the principle of conscientious objection to the Volstead Act!

And in a very different quarter conscientious objection persists. Since the result of the war to end war and to make the world safe for democracy has been to establish the principle of compulsory military training in many American schools and colleges we are finding a kind of peace time conscientious objection to militarism which deserves

to be linked up to the conscientious objection of the war period.

In view of these facts I have at the request of the Vanguard Press added a new chapter or postcript to the original book. It is not a final chapter because the final chapter can only be written in the great book of life itself. Moreover, in reprinting the book under a new title it has not seemed advisable to reprint Sentor Robert M. LaFollette's interesting and generous introduction which was in part an explanation of his own position on the war —an explanation no longer needed by fair minded and intelligent Americans.

I do think it advisable, however, to continue this preface in the words which I originally used to explain the nature of my own interest in the problem and the way in which the book came to be written.

No problems are more important to our generation or are more inextricably interwoven with the economic and political pattern of our social order than the relation of the individual to the state (which must not be confused with society) and the question of how to end war before war ends civilization and perhaps humanity itself.

With these problems a history of conscientious objectors in the Great War is necessarily concerned. The historian is bound to do his utmost to give facts accurately and fairly, yet he cannot write with the objective interest of a scientist describing natural phenomena and he owes it to his readers to acknowledge his own point of view on the questions of war and conscription.

I am persuaded that the state has no metaphysical sanctions for its sovereignty. Nevertheless it is or may become a useful form of human association to which may wisely be entrusted great power over property and social relations but not the right to conscript men's lives for service wholly opposed to their own convictions. When the state usurps this right it makes itself a Juggernaut under which brave men might well die defiantly rather than live on condition of a coerced obedience. I am equally persuaded that war is by its nature the enemy alike of the individual and society and that at the last it inevitably frustrates the attainment of those high ends it is invoked to serve. In particular, I believe that the Great War, despite the lofty motives of many who engaged in it, was no struggle of light

against darkness but a conflict between rival imperialisms. The noblest function our country could have exercised was not to enter the conflict but to use its moral and economic power for peace without victory.

To abolish war and to make peace glorious are tasks beyond the power of isolated individuals or tiny groups. Yet to achieve these tasks the objectors who put conscience above conscription made a positive contribution which in its implications was not purely individualistic but truly social.

Such are the convictions which have urged me to write this book. I dare to hope that they have not blinded me to the objective facts of the situation, to the high motives of thousands of believers in war and conscription or to the faults to which objectors like the rest of humanity are prone. I do not thus dogmatically avow my own beliefs to invite the antagonism of the great number of my fellow countrymen who believe otherwise, but simply to carry out my conviction that he who rakes the hot ashes of still smoldering passions should set forth his own attitude toward the events he describes.

This book was begun in the fall of 1919 at the request of the American Civil Liberties Union (formerly the National Civil Liberties Bureau), and of other friends of conscientious objectors. It has been carried on in the conviction that a systematic history of what was in effect our first national experience with conscription would have value both as history and for the future.

No other systematic history of objectors in America exists. Major Kellogg, Prof. Case, some religious sects in this country, and Principal Graham in England, in valuable books referred to in the text have dealt with certain aspects of the record of objectors in America but not with the record as a whole.

I was asked to undertake the book because my connection with the Civil Liberties Bureau, the *World Tomorrow* and the Fellowship of Reconciliation had made me familiar with the problem.

The hard work of gathering material was done by my friend, W. Lee Ustick, now of the English Department of Washington University, St. Louis, Mo., who also collaborated with me in the writing of the book. When the first draft

was written in the early spring of 1920 there were still conscientious objectors in prison. The last scene of the drama had not been played. Many of the players in it were inaccessible. Even more inaccessible were valuable records, the property of the Civil Liberties Bureau, which had been supœnaed for use in the Lusk Committee investigations in New York State.

It seemed best therefore to postpone publication of the book. Even after the release of the last objector, the records of the Bureau were held. When at length they were released, some months more elapsed before they could be properly studied. This task was finally undertaken by Emile Mardfin whose former connection with the Civil Liberties Bureau made him familiar with the material. As a result of his inquiries, of stimulating suggestions by Roger Baldwin, and of the changing perspective brought about by the passage of time, I deemed it wise to rewrite the book. For its present form I alone am responsible, so my name appears as author. Yet the credit—if credit there be—belongs rather to Mr. Ustick—and in some degree to Mr. Mardfin —than to myself. Most of all it belongs to the

objectors themselves and their friends who supplied us with material and waited for a book that seemed to die a-borning.

If I were to make an inclusive acknowledgment of my indebtedness it would read like a roster of the friends of civil liberty. I want, however, in closing this preface, to record my special thanks to Kathleen Whitaker Sayre and Mary Campbell for their generous services in typing the manuscript.

NORMAN THOMAS.

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The Conscientious Objector in America

I

WHY CONSCIENTIOUS OBJECTION MATTERS

A PRIVILEGED visitor to one of the camps or cantonments in which American soldiers were trained during the Great War would sooner or later have come across a peculiar group of men. Though classified as soldiers and living among soldiers they wore no uniform and performed no drill. They obviously differed among themselves in education and habit of mind. Some of them belonged to obscure religious sects distinguished by peculiarities of dress or a religious objection to shaving; with these peculiarities often went a remoteness from the great political and social issues which were convulsing the world. Others in the same barracks or guard

house were uncommonly well informed as to the war and the trend of contemporary thought and feeling.

The young officer who served as guide to the visitor would, nine times out of ten, explain with a rather unpleasant laugh that these men were "conscientious objectors," fools or knaves, he was not sure which, but at any rate cowards and slackers. Occasionally if the official guide happened to have had closer contact with the objectors he would not be so sure about their cowardice, but he would dwell upon their propensity to argue while their country was in peril, and point out how little they agreed as to the extent of their scruples or the reasons for them. "Some of them," he would say, "are willing to take non-combatant service that does not compel them actually to kill the enemy; some refuse all service in uniform as an unsatisfactory compromise but are willing to perform useful civilian service on farms at home or in reconstruction units abroad; a few—the 'absolutists' [1]—will refuse to render

[1] The word in both English and American usage has a technical sense. It measures not the quality of a man's sincerity but the absoluteness of his refusal to make any terms with the government under conscription.

any service under conscription either in the army or in any substitute the government may provide." This extreme stand the army, from the youngest shave-tail lieutenant to the Commander-in-Chief, found most trying and unreasonable.

And the army from its viewpoint was right. In conscientious objection, especially of the absolutist type, is to be found a challenge to the basic ideas of men and their instinctive obediences on which the philosophy of the modern state and the practice of modern war are built. Despite the differences among conscientious objectors patent to the most superficial observer, they were marked by one common quality, a refusal in time of war to admit the right of the state to dispose of them as it would, irrespective of their own convictions. They were persuaded that participation in a given war—at least to the extent of combatant service—was so at variance with their convictions of right and wrong for themselves and for society that at any cost to themselves they must refuse obedience to the routine military discipline under which an army is formed.

This assertion of the right of the individual

to refuse obedience to the state even in the emergency of war or to lay down limits to which his obedience must be confined is the essence of conscientious objection. So revolutionary are its implications that it deserves study even though the number of objectors in the last war was small. Its significance does not depend primarily on the reasoning power of the objectors or their personal ability or their character—important as these matters are—but in its existence as a practical affirmation that under certain circumstances civil disobedience may become a duty for which men will dare to suffer.

In the United States as in other English-speaking countries there was a disposition both in the public mind and in official action to distinguish between objectors to all war and to this particular war, between religious objectors and political,[2] and to extend to religious pacifists a consideration denied to socialists and internationalists. In practice the sheer logic of the situation ultimately broke down these distinctions.

[2] The phrase political objector, as it came to be used, needs defining. It was used rather loosely, often including all men who on economic or rational rather than religious grounds opposed enforced participation in the war.

It was not even possible to distinguish between "sincere" and "insincere" objectors save by the pragmatic test of the amount of suffering they would endure for their beliefs.

In a thoughtful pamphlet by Prof. George Herbert Mead, of the University of Chicago, on the conscientious objector (circulated during the war, curiously enough, by that rampantly militaristic organization, the National Security League) there is this admission: "Whenever and wherever an act runs so counter to a man's moral nature that he cannot carry it out and still keep house with himself, his refusal in the face of any and all authority commands our instant respect. If such men could be certified to the exemption board beyond a doubt, any thinking, self-respecting community would demand their exemption." Prof. Mead goes on to argue: "The man then who admits that under some conditions fighting is moral, and that conditions may arise under which the community may call upon him to fight, cannot claim that his objection to the issues of the actual war can be made an excuse for his not registering and responding to the draft. The logic of such conduct would free

every man in a defeated party from the duty of obeying the laws which were enacted by the party whose policies he disapproves, when they may have won a victory at the polls."

That is to fall into the familiar error of pressing logic dangerously far in social relations. If I believe that on the whole it is better for me and for society that I should render obedience to laws I do not approve—striving the while to have them changed—shall I be told that because I have yielded obedience in these matters I must therefore give my whole being to the state by submitting to conscription in a war that seems to me the sum of all iniquity?

Every sane person will admit that war at best is a terrible thing. A thoughtful man can invest his life in it and still "keep house with himself" only under the conviction that it is the necessary means to some great end. If he is persuaded—as were the so-called political objectors in the last war—that the end was not holy or the means necessary his moral revulsion against it or against being conscripted for it is just as great as the revulsion of the man who thinks that he would never fight in any conceivable war. Prof.

Mead concedes too much for his own cause. If the supremacy of a man's moral integrity over the demand of the god-state is ever worthy of respect, it is always worthy of respect whether the objection is to all war or to a given war; whether it seems to a man's fellow citizens reasonable or unreasonable. The consistent apostle of the divinity of the political state can allow no exemptions from conscription as a matter of right. He can admit exemptions only as a matter of grace or of administrative expediency to individuals too few and too obstinate to be worth the trouble of coercing.

In point of fact, all philosophic defenses of conscription are but rationalizations of the fear that without conscription the protection of that sacred entity, the nation, might be impossible. The very men who boasted loudly that the recent war was the people's war revealed their fear by insisting that the people must be conscripted to fight it. From the most remote hamlets of Europe, Asia and North America the hand of the state dragged men to die in a war which they did not understand. Slayers and slain alike only knew that they who bade them fight told them

they fought for freedom and the defense of the fatherland. Not otherwise could the Great War have been waged. The sovereignty of the state and the right of conscription, defended in the name of the supremacy of the common good over the conscience of the individual, were indisputably among the causes of the greatest calamity of modern times.

It is against this doctrine of the divinity of the state even more than against war that conscientious objection is effective. Men, many of whom were innocent of any theories about the state, were quietly challenging it. This challenge raised the question of the limits of state authority. The more articulate objectors answered it variously. Philosophic anarchists, of whom there were few, asserted that the state was an evil *per se* and had no rightful authority over the individual. Socialists and other radicals who believed in a high degree of social control stressed their conviction that the existing state is the engine of a dominant class and not the expression of the social will of the workers which alone has rightful authority. Other objectors argued that the state is in itself useful but that

it has no right to claim an excessive and exclusive power as against other forms of human association or the conscience of the socially minded individual. It was a general conviction among objectors that the state ought to exercise more control over property for the common good and less control over the consciences of men.

To discuss such answers at length would lead us far afield from this history, but this at least is evident: Men's affairs are in sorry plight if it serves society to compel the individual to be true to his fellows by being untrue to himself. In a world where conformity is easy and independent thinking hard, where, demonstrably, heresy has always been the growing point of society; where governments of all sorts are often stupid and cruel, reasonable men are constrained to do some fresh thinking on the duty of civil disobedience. They may—some of them—come to agree with Thoreau:

"There will never be a really free and enlightened state until the state comes to recognize the individual as a higher and independent power, from which all its own power and authority are derived, and treats him accordingly. I please

myself with imagining a state at last which can afford to be just to all men, and to treat the individual with respect as a neighbor; which even would not think it inconsistent with its own repose if a few were to live aloof from it, not meddling with it nor embraced by it, who fulfilled all the duties of neighbors and fellow-men."

When men begin to do this sort of thinking about the state they will not fail to feel some sort of respect for the conscientious objectors who, in the time when the crowd-mind was lashed by the fury of war, kept the faith that was in them.

If that faith raised questions for the state in time of war which persist in modified form in time of peace, it was no less challenging to religion, especially to Christianity. The overwhelming majority of American conscientious objectors were pacifists, opposed to all wars. Most of them were members of Christian sects. They based their objection to war on the teachings of the New Testament and supported it by the fact that the early Christian church did not permit its members to be soldiers. They said that war in which Christians fought Christians mocked

the brotherhood of believers; that it stultified the church's teaching of the sanctity of human life and the duty to seek good ends only by good means. Their opposition to war which the church had blessed raised a question which neither the noise of battle, the enthusiasm of the Wilsonian crusade for democracy, nor the call of various works of mercy could effectually silence in the minds of many churchmen.

Conscription made the question raised by the war become even more acute. "Render unto Cæsar the things that are Cæsar's" was a popular text for justifying the Christian's obedience to the draft. But unfortunately there was an awkward second clause to Jesus' saying: "and unto God the things that are God's." What is God's if not conscience and the direction of a man's life? Another refuge for the Christian who supported conscription was an appeal to the philosophy of loyalty as the essence of Christianity. The objector to conscription was an egoist in the time of his country's need. One answer to that argument was finely given in the book "Prisoners of Hope," by Prof. Peake, an English New Testament scholar and a supporter of the war:

"When, then, I am told that the conscientious objector in refusing to defend his country is declining to discharge a fundamental duty, I cannot admit the justice of the accusation. When, after seeking by the best means in his power to enlighten his mind and liberate his judgment, he has reached the conviction that armed resistance is contrary to the will of God, he is bound to accept it at whatever cost. The Christian must follow the Lamb whithersoever He goeth; and if Jesus took up his position without the pale, then we must 'go forth unto Him without the camp, bearing his reproach.' Our city is dear to us, our country dearer still, humanity dearer than either. But here we have no abiding city, for our true home is in the eternal and the unseen. From the swift procession of unstable empires we look for the city which hath foundations, whose Builder and Maker is God. We confess ourselves to be strangers and pilgrims on the earth, whose true citizenship is in heaven. For us the Kingdom of God is incomparably greater than all earthly kingdoms, and our loyalty is pledged to a more august imperialism than the imperialism of Rome or of Britain.

We know a loftier patriotism than the love of our native land or the deeper love which embraces all mankind. Our heart thrills to the challenge of Marcus Aurelius: He says, 'Dear City of Cecrops; wilt thou not say, Dear City of God?' Indeed for multitudes of us it is this higher patriotism which inspires and sustains the lower."

This, as we shall see in the course of our story, was far from the position of the churches of America. But though they managed to disregard it or gainsay it they could not escape the challenge of the group of objectors who in substance repeated the old Christian defense: "We ought to obey God rather than men." Conscientious objection raised fundamental problems for the statesman, the philosopher, the moralist. But their problem at its worst was simpler than the dilemma of the churchman confronted by the existence during and after the war of prisoners of conscience who appealed to the moral authority of the Founder of Christianity.

II

WHO WERE THE OBJECTORS

It is proof of the significance of conscientious objection that it created a stir both in the army and in public discussion entirely out of proportion to the number of objectors. According to the War Department "only 3989 out of a grand total of 2,810,296 inducted men made any claim in camp for exemption from any form of military service as conscientious objectors on religious or other grounds." [1] This number does not include all of the men who declared their objection by a public refusal to register or to take a medical examination and were sentenced by civil courts under the draft law. Owing to the termination of the war many of these did not pass into the hands of the military authorities at the expiration of their terms.[2] The number

[1] Statement Concerning the "Treatment of Conscientious Objectors in the Army," June 18, 1919, by the Secretary of War.

[2] See chapter V for a further explanation of the different methods of recording one's conscientious objection.

of draft evaders according to the War Department was about 171,000. The official lists of these men proved to be inaccurate, but even if one makes generous deductions from the War Department figures on draft evaders and adds some scores or even hundreds to the official statement of the number of objectors, there were many times more men who by one device or another evaded service than objectors who made their position clear and awaited the consequences. Yet it was these men who did not so much as try to avoid the draft who were most vehemently denounced as cowards and slackers.

Of the 3989 objectors in camps, 1300 "originally accepted or were assigned to noncombatant service"; 1200 were furloughed to agriculture and 99 to the Friends Reconstruction Unit in France, while 450 were sent to prison by courts-martial. The remainder were still in camp when the armistice was signed. That is to say, after many difficulties and considerable suffering all but 450 objectors who went to camp finally found some form of service, satisfactory to the government, which they could render.

If conscientious objectors were not so numer-

ous as they appeared to the minds of excited patriots, neither were they so lacking in intelligence, character and ability as it pleased their critics to portray them. Some objectors in the earlier stages of the evolution of the War Department's policy were dropped as mentally unfit. An amusing case of the sort occurred at Camp Upton where three or four intensely religious Negroes were segregated with the other objectors. Their fervor was as great as their good nature. They became very popular with their fellows but less popular with the officers appointed to deal with them. Their zeal for bringing the army to Jesus was more insistent than the zeal of the army to bring them to France. Military discipline had no restraining influence on the candor of their exhortations to whatever officers they could reach. At last they were sent back to civilian life—"mentally unfit" to be soldiers!

No such easy solution was possible for the group as a whole. While there is no record of mental tests for all objectors, two interesting reports have been published concerning large numbers of them. In the *New Republic* (April 14,

1920) Winthrop D. Lane gives an account of the application of the now famous army intelligence tests to the conscientious objectors and other prisoners in the United States Disciplinary Barracks (prison) at Fort Leavenworth during the months of January and February, 1919. Not only did the objectors far excel the other prisoners but they surpassed also the general average of enlisted men. The religious objectors fell behind sergeants and members of officers' training corps; the political objectors were excelled only by officers; and of the political objectors the absolutists excelled the average for commissioned officers.

Lieutenant Mark May, now professor of psychology in Syracuse University, writing in the *American Journal of Psychology* (April, 1920) gives the substance of an official report submitted in December, 1918, based on an examination of the records of 720 objectors in camps rather than in prison. He finds that in regard to intelligence "46.5% of the conscientious objectors are above the grade of 'C,' which is *average*, while in the army as a whole only 27.3% are above 'C.' . . . Another interesting fact about this table is that

the ratio of A and B (high mental development) men of the army as a whole to the A and B men of the conscientious objectors is about 1 : 2. Conversely the ratio for D and E (abnormally low mentality) men is about 2 : 1."

Neither can objection to war be laid at the door of abnormal mental states. "It is true," Lieutenant May continues, "that some objectors exhibited mental instability, possibly some were religious fanatics, yet a great majority of them are sane. Moreover conscientious objection to war is not a special case of the blind leading the blind. Many objectors adhere rigidly to their creeds and follow the instructions of their pastors and so on. But many of them are keen thinkers. They are quick in debate and logical in their arguments. Mental questioning rather than unquestioning is more often the cause of objection."

Lieutenant May also disposes of another popular myth to the effect that most objectors were foreign-born or at any rate pro-German. Ninety per cent. of the objectors were native born. "No accurate information is available on the ancestry of objectors, but what is at hand seems to indicate that approximately one-third were of Amer-

ican parentage, one-third German, and one-third English, Scotch, Russian and Scandinavian. The writer is extremely doubtful if parentage or birthplace has anything to do with an objector's refusal to take part in war. The large percentage of German parentage can easily be accounted for by the fact that most Mennonites are of German descent. Conscientious objectors cannot be intelligently disposed of by simply calling them pro-German."

According to the War Department, nearly 90% of the objectors were religious. On this subject Lieutenant May makes some interesting observations. He thus classifies objectors: (1) Religious literalists, honest, sincere, but not possessed of broad social vision. "This type of man constitutes fully 75% of conscientious objectors." (2) Religious idealists. "The problem with this type is not that he has not social vision, but that he has too much." (3) The socialist type. "Man likely to be well educated and very intelligent. He is well informed on the vital social and economic problems of the day. . . . His patriotism knows no national limits. The problem with him is that he entirely fails to

appreciate national problems. . . . He is not willing to fight the proletariat of Germany just to get at the ruling classes. He may even believe in the use of force and fighting, but it is capitalism and imperialism that he wants to fight."

The conscientious objectors themselves would probably agree with Lieutenant May's classification though not with his comments. Like all classifications, it scarcely suggests the diversity of individual opinions to be found among those who stood out against conformity to the prevailing war psychology. There were, for instance, those rare men whom harassed officers sometimes put down as "humanitarian objectors" because they did not accept any of the more usual sectarian or partisan labels but quoted Thoreau and Tolstoi and the highly intellectualized pacifism of Bertrand Russell. Then there were I. W. W. objectors who certainly would not classify themselves as socialists, if that meant any faith in political action. Their position has been made clear by their more famous comrades convicted under the espionage law simply because they declared openly that this was not a war that

would bring anything but hurt to the workers of the world. Alongside these internationalists one sometimes discovered those intense Irish nationalists who would not fight "in England's war." There were few of these and they generally refused to register and so came in the first instance under the civil courts. Some objectors would neither fight nor be conscripted in any cause; some would both fight and be conscripted in certain causes and under certain authority; some would accept conscription for peace but not for war. The variety of reasons for objection was great and the philosophy of objection not always well thought out by the objector.

Those whose German sympathies led them to refuse to fight were not recognized as conscientious objectors. There were such men—extraordinarily few when one remembers how many Americans are of German blood. Indeed the obedience of men of all America's varied races to the call of the draft is worthy of notice. No Negro in a country which oppressed the Negro as no European nation oppressed any subject people refused to fight "in a white man's war." What

Negro objectors there were belonged to the religious type.

The impatient reader before this paragraph is reached may ask: "Why generalize at such length? Why not let the objectors speak for themselves?" The answer is plain—because the government did not. Under the English procedure statements before military tribunals were, or might be, worth while; men who took an intensely unpopular stand were given a public or semi-public opportunity to state the faith that was in them. As we shall see, the American procedure gave no such opportunity. Court-martial trials were cut-and-dried affairs; hearings before the War Department's committee of inquiry were private and informal. Newspapers and magazines were either too hostile to the objectors or too much in fear of that extraordinary "thought-controller," Postmaster-General Burleson, to give publicity to letters from objectors. It is no wonder, then, that carefully prepared statements by objectors were rare. They might have been ever so proficient in arguing the efficacy of non-violent resistance to German conquest; they might have been eloquent in demonstrating that refusal to

fight in a war which itself provoked attacks on civilians (grandmothers among them) did not logically compel one to refuse to protect one's grandmother against a drunkard or a maniac. Their dialectic skill was confined to controversies with officers, judges and jailers, and left little record.

Some statements we do have. One of the most brilliant political objectors, Carl Haessler, a former Rhodes scholar and professor of philosophy, thus stated his inability to fight in a capitalist and nationalist war:

I, Carl Haessler, Recruit, Machine Gun Company, 46th Infantry, respectfully submit the following statement in extenuation in connection with my proposed plea of guilty to the charge of violation of the 64th Article of War, the offense having been committed June 22, 1918, in Camp Sheridan, Ala.

The offense was not committed from private, secret, personal, impulsive, religious, pacifist or pro-German grounds. An admixture of quasi-personal motives is admitted, but they were in no sense the guiding or controlling factors. I have evidence for each of these assertions, should it be required.

The willful disobedience of my Captain's and of my Lieutenant-Colonel's orders to report in military uniform arose from a conviction which I hesitate to express before my country's military officers but which I neverthe-

less am at present unable to shake off, namely, that America's participation in the World War was unnecessary, of doubtful benefit (if any) to the country and to humanity, and accomplished largely, though not exclusively, through the pressure of the Allied and American commercial imperialists.

Holding this conviction, I conceived my part as a citizen to be opposition to the war before it was declared, active efforts for a peace without victory after the declaration, and a determination so far as possible to do nothing in aid of the war while its character seemed to remain what I thought it was. I hoped in this way to help bring the war to an earlier close and to help make similar future wars less probable in this country.

I further believe that I shall be rendering the country a service by helping to set an example for other citizens to follow in the matter of fearlessly acting on unpopular convictions instead of forgetting them in time of stress. The crumbling of American radicalism under pressure in 1917 has only been equalled by that of the majority of German socialist leaders in August, 1914.

Looking at my case from the point of view of the administration and of this court, I readily admit the necessity of exemplary punishment. I regret that I have been forced to make myself a nuisance and I grant that this war could not be carried on if objections like mine were recognized by those conducting the war. My respect for the administration has been greatly increased by the courteous and forbearing treatment accorded me since having been drafted, but my view of international politics and diplomacy, acquired during my three years of graduate study in England, has not altered since June, 1917, when I formally declared that I could not

accept service if drafted. Although officers have on three occasions offered me noncombatant service if I would put on the uniform, I have regretfully refused each time on the ground that "bomb-proof" service on my part would give the lie to my sincerity (which was freely granted by Judge Julian Mack when he and his colleagues examined me at Camp Gordon). If I am to render any war services, I shall not ask for special privileges.

I wish to conclude this long statement by reiterating that I am not a pacifist or pro-German, not a religious or private objector, but regard myself as a patriotic political objector, acting largely from public and social grounds.

I regret that, while my present view of this war continues, I cannot freely render any service in aid of the war. I shall not complain about the punishment that this court may see fit to mete out to me.

Maurice Hess, a Dunkard, spoke for religious objectors of many different shades of belief when he told his judges:

I do not believe that I am seeking martyrdom. As a young man, life and its hopes and freedom and opportunities for service are sweet to me. I want to go out into the world and make use of what little talent I may have acquired by long and laborious study. [Mr. Hess is now a college professor.]

But I know that I dare not purchase these things at the price of eternal condemnation. I know the teaching of Christ, my Savior. He taught us to resist not evil,

to love our enemies, to bless them that curse us, and do good to them that hate us. Not only did he teach this, but he also practiced it in Gethsemane, before Pilate, and on Calvary. We would indeed be hypocrites and base traitors to our profession if we would be unwilling to bear the taunts and jeers of a sinful world, and its imprisonment, and torture or death, rather than to participate in war and military service. We know that obedience to Christ will gain for us the glorious prize of eternal life. We cannot yield, we cannot compromise, we must suffer.

Two centuries ago our people were driven out of Germany by religious persecution, and they accepted the invitation of William Penn to come to his colony where they might enjoy the blessing of religious liberty which he promised them. This religious liberty was later confirmed by the Constitution of Pennsylvania, and the Constitution of the United States.

If the authorities now see fit to change those fundamental documents and take away our privilege of living in accordance with the teaching of the scriptures of God, then we have no course but to endure persecution as true soldiers of Christ.

If I have committed anything worthy of bonds or death, I do not refuse to suffer or to die.

I pray God for strength to remain faithful.

Some of the religious objectors were not concerned with "eternal condemnation"—they doubted whether God would prove more cruel than the War Department in the sentences He

imposed—and, of course, their traditional background differed from that described in Mr. Hess' statement. Otherwise his reasons were typical of the religious groups.

One statement indeed was printed and circulated somewhat generally during the war. Roger N. Baldwin, director of the Civil Liberties Bureau, refused to comply with the draft act when the age limits were extended in 1918. In the civil court he declared:

> The compelling motive for refusing to comply with the draft act is my uncompromising opposition to the principle of conscription of life by the state for any purpose whatever, in time of war or peace. I not only refuse to obey the present conscription law, but I would in future refuse to obey any similar statute which attempts to direct my choice of service and ideals. I regard the principle of conscription of life as a flat contradiction of all our cherished ideals of individual freedom, democratic liberty, and Christian teaching.
>
> I am the more opposed to the present act, because it is for the purpose of conducting war. I am opposed to this and all other wars. I do not believe in the use of physical force as a method of achieving any end, however good. . . .
>
> I am not complaining for myself or others. I am merely advising the court that I understand full well the penalty of my heresy, and am prepared to pay it. The conflict with conscription is irreconcilable. Even

the liberalism of the President and Secretary of War in dealing with objectors leads those of us who are "absolutists" to a punishment longer and severer than that of desperate criminals.

But I believe most of us are prepared even to die for our faith, just as our brothers in France are dying for theirs. To them we are comrades in spirit—we understand one another's motives, though our methods are wide apart. We both share deeply the common experience of living up to the truth as we see it, whatever the price.

Though at the moment I am of a tiny minority, I feel myself just one protest in a great revolt surging up from among the people—the struggle of the masses against the rule of the world by the few—profoundly intensified by the war. It is a struggle against the political state itself, against exploitation, militarism, imperialism, authority in all forms. . . .

Having arrived at the state of mind in which those views mean the dearest things in life to me, I cannot consistently, with self-respect, do other than I have, namely, to deliberately violate an act which seems to me to be a denial of everything which ideally and in practice I hold sacred."

The position he took was not dissimilar to that of other idealists, some of whom had previously refused to register and some of whom had registered and gone to camp, but circumstances gave his statement a publicity usually denied to objectors. It did much to correct the popular impres-

sion that objectors were cowards, fools, or knaves.[1]

[1]Since this book was written, I have read Prof. Case's interesting book "Non-Violent Coercion." In a chapter dealing with conscientious objectors he classifies them as religious, socialist, humanitarian, and individualist. The classification is valuable especially when it is explained in Prof. Case's careful language. But even Prof. Case does not wholly escape the danger of over-emphasizing the contrast between the individualist objector with an "exaggerated conception of the nature of personality and individual rights" and the socially minded objector or non-objector. Prof. Case would probably agree: (1) that an objector like Roger Baldwin (whom he cites as a typical individualist), while a member of no party and a disbeliever in the state, was in the highest sense loyal to his vision of a society of brothers; (2) that the most vehement critic of individualistic objection would shrink in horror from a reduction of human society to the impersonal level of a colony of ants. What we want is a fellowship of free men, and social institutions are failures unless they can secure the maximum of coöperation with the minimum of coercion. The individual may in a true sense be the "product of the group," but the group is only valuable as it permits personalities, not automatons, to emerge.

III

RELIGIOUS TYPES OF OBJECTORS

SINCE the objectors so largely derived their support from the teachings of Christianity and from the traditions of particular sects some further account of these sects and the types they produced is part of our story.

A careful reading of the New Testament certainly suggests that the burden of proof rests heavily upon those who would reconcile Christianity and war. For two centuries the testimony of the church was clear against it. Yet Christianity itself has historically been anything but a religion of pacifism.

The church yielded its opposition to war long before it conceded the duty of absolute obedience to the state. Dean Inge writes:

> The doctrine of the Schoolmen was that in the court of conscience there is no obligation to obey an unjust law. Marvin declares: "It was the greatest and most

masterful of the Popes, Innocent III, who laid down in memorable words which are embodied in the great collection of the Decretals, that if a Christian man or woman is convinced in his own mind and conscience that it would be a mortal sin to do, or leave undone, some action he must follow his conscience against the command of the church; for it may well happen that the church may condemn him when God approves, and approve him when God condemns." [1]

American Catholics seemingly had no difficulty in squaring their consciences with the demand of the state. Only two or three Catholics were objectors on religious grounds—one of them because the Pope was neutral.

None of the stronger Protestant churches believed that the spirit of their religion was wholly opposed to war or to the right of the state to conscript men for it. The synagogue, orthodox and reformed, was as militant in the service of the state as the church. Jewish objectors based their case on political grounds. Only one—so far as we can discover—cited the precepts of Jewish

[1] W. R. Inge, "The State Visible and Invisible." The dean himself cannot uphold "the right of private judgment in opposing the deliberately accepted policy of the state" *when "the safety of the country is at stake,"*—that is, in any war. It is, however, right, he argues, to disobey a prohibition law. The man in the street will be grateful for this clerical and philosophic approval of his conduct.

teachers and the experience of his people as grounds for his opposition to war.

Nevertheless, though the organized religion preached the gospel of the sword, there were sects which remained true to a long tradition of pacifism. And—despite the fact that conscientious objection would seem to imply considerable individual independence of thought—the great majority of American conscientious objectors came out of these sects.

There were about twenty such sects represented among the objectors—many of them whose names are unknown to the average American. A few members of these sects, it must be admitted, put their opposition to war on a literalistic basis that did not deserve much admiration. An officer in a Southern camp was fond of telling of how he read a letter from the mother of a sectarian objector to her son. She reminded him of the moral perils of the use of tobacco, and then in her budget of family news praised God for the excellent tobacco crop He had vouchsafed them. That, the officer would insist, is like those sectarians—only interested in keeping themselves

out of hell. What gave more color to the charge was the kind of comfort sometimes administered to these men by their spiritual advisers. Once an exhorter admitted to Fort Leavenworth to comfort his co-religionists reminded them that their prison was better than the hell to which all soldiers were bound. And he was much shocked when an objector of a different stripe cried out: "God won't send the soldiers to hell."

It would be unjust to let these stories stand as typical. Those who came to know members of the pacifist religious bodies best found in them much to admire. Without some knowledge of these sects American conscientious objection can hardly be understood.

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The International Bible Students are followers of Pastor Russell, a well-known evangelist who died not long before the war. His successor, Judge Rutherford, and other prominent officers of the sect were convicted in a celebrated trial under the espionage law on the ground that they were obstructing the draft. The conviction was later set aside by the Circuit Court of Appeals. It is not clear that the leaders of the sect en-

joined conscientious objection upon young men who were drafted. The principles of the sect, however, were in general opposed to combatant service, particularly on the ground that the imminent return of Christ made it quite unnecessary that His elect should engage in earthly warfare. This position, by the way, was that of a number of other Christian believers, some of whom were unattached to any sect. Something of a controversy raged in the ranks of these believers, commonly called "premillenarians," who from their study of Old and New Testament prophecies expect the return of Jesus at any minute. Some of them held that as they were still living in the "times of the Gentiles," it was lawful for them to fight; others that even though they might be living in the times of the Gentiles, they were not Gentiles, but true followers of Christ and morally forbidden to fight.

. . . . . .

The best-known sect, if one may call it such, which has opposed warfare is the Society of Friends, commonly known as "Quakers." Quakers are so well known in the United States and so much loved that it seems hardly necessary

to praise their virtues or to do more than summarize their history.

The Society of Friends arose in England about the middle of the 17th century. Like many of the mystical sects and groups of "seekers" that preceded them in England and on the Continent, they took a clear and emphatic position against war. This peace position of the Quakers was not merely copied from the earlier sects, nor did it depend upon the literal interpretation of any scripture. "These things I did not see by the help of men, nor by the letter," said George Fox, the leader of the early Friends, "though they are written in the letter; but I saw them in the light of the Lord Jesus Christ, and by his immediate spirit and power." It is upon this inward conviction that war is contrary to the spirit of Christ's life and teaching that the Friends base their peace testimony.

The first recorded statement on the part of Friends as a group was the "Declaration from the Harmless and Innocent People of God called Quakers," presented to Charles II in 1660. This contains the following: "We utterly deny all outward wars and strife, and fightings with out-

ward weapons, for any end, or under any pretense whatever; this is our testimony to the whole world. The Spirit of Christ by which we are guided is not changeable, so as once to command us from a thing of evil, and again to move into it; and we certainly know and testify to the world that the Spirit of Christ, which leads us into all truth, will never move us to fight and war against any man with outward weapons, neither for the Kingdom of Christ, nor for the Kingdom of this world."

Individual Friends have held somewhat divergent views, for there has always been freedom to follow the individual conscience. But from these first statements to the present day the official utterances of the Society of Friends have continued to affirm the wrongfulness of all war and to urge instead methods of good will.

In a recent study entitled, "The Fundamental Basis of the Peace Testimony of the Society of Friends," a report prepared for the Peace Conference of All Friends held in London in August, 1920, the peace position is summarized in modern phraseology. It is based upon the essential character of the Kingdom of God: Can any

one who is truly sensitive to the Spirit of God working in him kill another man in whom he is convinced that the Spirit is also working?

"The task of the Christian in this world is the establishment of the Kingdom of God, of the supremacy of love. The natural and obviously rational way to achieve this aim is for each to practice love to all. It has always been the Quaker conviction that this practice of love is incompatible with warfare, and that, if persisted in, it will in the long run achieve every right result that a war in the interest of justice has been held to achieve, and without the fatal drawbacks of war.

"We belong to God and to one another. It must therefore be the aim of the Christian not merely to work for unity and human brotherhood as a far-off goal, but to demonstrate it now as a fact—indeed as the fundamental reality of human society. If one is fully convinced of this unity, and really regards all men as brothers, not only will one be unable to countenance this practice of war, but one will be inwardly impelled to live a life of unselfish service which will in truth go far to remove the occasion of all wars."

Those who have known Quakers will appreciate to what extent these principles are carried out in actual practice. They steadily used their influence in behalf of all objectors and accepted for their work in France objectors not only from groups like the Mennonites closely allied to them in the doctrine of peace, but young idealists generally, not excluding Jews.

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Another religious body from which came many conscientious objectors, is the German Baptist Church, popularly but erroneously called "Dunkards" (formerly "Tunkers"). Originating at Schwarzenau, Germany, in 1708, it was coincident with, but distinct from, the Pietist movement. It attempted to model its organization after the churches established by Paul and the disciples. Members do not resort to the law to adjust grievances, and membership in secret societies is forbidden. Their manner of dress is plain and uniform, and does not conform to changing worldly fashions. Temperance and opposition to slavery were always characteristic of this sect.

Dunkards have records of conflict with compulsory military service in Europe as early as

1715. As a result of civil, military and religious persecution in Germany, a large part of the church in that country emigrated to America in the decade between 1719 and 1729, and, at the invitation of William Penn, settled in the colony of Pennsylvania. From Germantown as a starting point, they gradually scattered through the lower counties of Pennsylvania, Maryland, Virginia, and many of the Western states. More recently, many members have come to this country from Switzerland.

There are now three main divisions of the German Baptist Church in the United States: The First Brethren, or Progressives; the Church of the Brethren or Conservatives; and the Old German Baptists. The second group is by far the largest, having about 100,000 members. They support a number of schools, are less strictly nonconforming in dress, and participate more generally in politics and other worldly affairs than the other groups. During the war considerable numbers accepted non-combatant or even combatant service, though as a rule they maintained their position of non-participation in war.

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The Mennonites, from whose ranks were drawn more objectors than from any other sect, number about 80,000 divided into some sixteen branches. They are scattered mostly through the states of Pennsylvania, Ohio, Indiana, South Dakota, Illinois, Iowa, Kansas, Oklahoma, Nebraska and Minnesota, and are likely to be found in groups which to a large extent are communities unto themselves. Although seldom German in origin, their official language, adopted generations ago as the international standard of the Mennonite sects, is German, and this in the recent war naturally laid them open to suspicion.[1]

Starting in Switzerland and Holland in the 16th century, the Mennonite Church took its name from one Menno Simons, born in 1492,[2] a Catholic priest, of Holland, converted to the beliefs of the Dutch Anabaptists or the Waldenses of Northern Italy and Southern France. Aside from its dependence on Holy Writ and on in-

[1] Mennonites of Swiss and Russian origin mostly retain the German language even in their worship; the other Mennonites have for perhaps twenty-five years used English in their worship. Three-fourths of all Mennonites in the United States are descendants of Swiss immigrants.

[2] According to some authorities, 1496.

dividual inspiration, rather than authority of church bodies, the main feature of the Mennonite faith is the emphasis laid upon a sincere application of the Sermon on the Mount as a rule of Christian life, not only in theory but in practice. They reject the employment of violence. "Resist not evil," quote the Mennonites (Matt. 5:39), "but whosoever shall smite thee on thy right cheek, turn to him the other also." It is naturally this tenet which has involved Mennonites in difficulties with the military.

So well recognized became their objection to taking part in warfare that for a time, beginning in 1575 and 1577, Mennonites were exempted from military service in Holland and Zealand. France, in 1793, exempted the Mennonites of the Vosges, who under Napoleon were required to do only hospital work, and four were actually given complete exemption. To this belief in nonresistance the Mennonites have consistently held, and for it they have been persecuted all over the Continent throughout the centuries. "There were nearly as many martyrs among the Mennonites in the city of Antwerp alone, as there were Protes-

tants burned to death in England during the whole reign of Bloody Mary," writes a prominent American of Mennonite ancestry.[3]

Most of the Mennonites in Holland and Switzerland were driven into Germany, Austria and Poland, where at that time military service was not required of them. After enjoying exemption from military duty for many years in Germany, Poland, Rumania and other countries, beginning about 1786 large numbers of Mennonites emigrated to Russia, at the invitation of Catherine II. Here they were granted perpetual immunity from military duty—which, however, lasted less than one hundred years. In the '70's of the last century the Czar's manifesto was rescinded and the Mennonites were forced either to perform noncombatant service or to seek a new home.

It was toward America that many of them now turned. During the migrations from Holland to Germany, in the 17th century, several colonies of Mennonites had come to Pennsylvania and had settled in Germantown, Pa., and other com-

[3] Samuel W. Pennypacker, former governor of Pennsylvania, in his "Historical and Biographical Sketches, including Settlements of Mennonites in Pennsylvania."

munities in the East, under the protection of William Penn. In 1688 a Mennonite congregation issued the first formal protest against slavery in the English colonies. Later, between 1710 and 1735, and again from 1820 to 1860, as conscription became an issue in Europe, more Mennonites migrated to the United States. Now in the 19th century many of their co-religionists, having sifted eastward into Russia, came to the new land of promise from the other side of the globe.

The first large body of Mennonite emigrants from Russia settled in Manitoba, Canada, and in various states of the Union beginning in 1873.[4] Kansas, Oklahoma, Nebraska, South Dakota and Minnesota received most of the settlers, who were then, as they had for generations been and still are, a farming population. Before entering Canada, they obtained from the government, in an "Order in Council," a guarantee of "entire exemption from any military service." Canada kept this agreement.

Before migrating to the United States the

[4] A few had come to Canada as early as 1786, when Catherine II of Russia had invited the Mennonites of Western Europe to settle in Russia.

Mennonites sent delegates to inquire whether, in this country, they would be free in the exercise of their religion. They had every reason to believe that they would be welcomed here. The Santa Fé Railroad, about 1870, had sent a Mr. C. B. Schmidt as its colonization agent, distributing among the Mennonites copies of our Constitution, in German translation, and had encouraged Mennonites to emigrate to the United States. Our government had at that time known conscription (in the Civil War), and yet President Grant and Governor James M. Harvey, of Kansas, apparently had no hesitation about assuring the Mennonite emissaries, in personal interviews, that under the First and Thirteenth Amendments of the Constitution, Mennonites would be free to follow their religious practices without special guarantee. As the Mennonites were fleeing Russia for the express purpose of avoiding participation in war, these early settlers in our West were quite justified in taking the spoken reassurance of President Grant as applicable to their belief in non-participation in war, even though no law was enacted, as in Canada, by way of guarantee.

Both in Canada and the United States during and immediately after the war there was local persecution of the Mennonites. For a time certain American Mennonite colonies considered a wholesale migration to Canada to receive the benefit of more liberal exemption in case of new war, but Canada did not then welcome such migration. Apparently Mennonite colonies in both countries have now settled down to normal life.

Various sects of Mennonites have their own customs. The Hutterish Brethren, or Huttrians, for instance, followers of Jacob Hutter (burned at the stake at Innsbruck, Tyrol, in 1536), live in communistic colonies. The followers of Jacob Amann, of Switzerland, known as Amish Mennonites, lay such stress on the simplicity of dress and of living that they remain to this day a backward people.[5]

The Old Mennonites, descendants of Mennonites who came to this country over two hun-

[5] Thus they refuse to wear clothing fastened with buttons, not, as has been erroneously stated, because buttons are an animal substance, but because at the time buttons came largely into use, they were a sign of "new fashions." So the Amish Mennonite, to demonstrate his "non-conformity" with the world, has ever since gone on wearing the hook-and-eye fastener then in common use.

dred years ago, have become more thoroughly assimilated than their brothers who have come from Russia since 1873, and speak English, even though often with a tinge of "Pennsylvania Dutch," whereas the more recent immigrants of the West use both German and English as their literary language, but in their home life usually their original Dutch dialect.

Old Amish and a few other Mennonites, somewhat like the Nazarites of Old Testament times,[6] let the beard go unclipped, and are in real distress if anything happens to disfigure it.

Even in the matter of disbelief in war the Mennonites show divergences. Although to a far larger extent than the Quakers, Mennonites stood out firmly against participation in any form of warfare, no less a person among them than President Mosiman of Bluffton College, a Mennonite institution at Bluffton, Ohio, gave the following advice to Mennonite boys:

"It is impossible for me to tell you what to do. This is a matter of conscience and it is your conscience that must decide and not mine. . . .

[6] "Ye shall not round the corners of your heads, neither shalt thou mar the corners of thy beard." (Leviticus 19: 27)

"Personally I feel that in this time of war every citizen owes his country some service. I feel that it is up to the conscientious objector to do more in the service that he undertakes than the average soldier. I might add that almost all the boys that have gone out from Bluffton College are in the hospital service. My advice to them was that they should prove themselves worthy of their country. . . . Of course, I cannot say that you shall do the same, if your conscience does not permit. . . .

"I hate war as much as any one. But I have seen the menace of German militarism from two and a half years' residence in Germany, and I have trembled when I saw it. I have exclaimed, 'What will happen if the Beast should ever break loose?' America did not want this war. The Mennonites who came to this country to escape war, because they hated it, wanted it least of all. Not to fight has been bred into us. But not that we should not love our country. . . . So there can be no thought in the choice of service that would take us away from danger. . . ." [7]

[7] From *Trench and Camp* (a weekly printed at Fort Oglethorpe, Georgia), September 23, 1918.

That out of some 360 religious objectors court-martialed and sentenced for their principles, 138 should be Mennonites, is significant.[8] Call it pigheadedness, bigotry, what you will—the fact is that Mennonites were more generally consistent in their position than the members of any other important sect.

The intelligence and education of Mennonites have sometimes been assailed. Major Kellogg even goes so far as to conclude from his personal experience with the Mennonites whom he interviewed at camp, that these men were ignorant, unlettered, "bovine." Some he calls "morons." Here is probably an example of that lack of understanding of which we have already spoken, superinduced by the inability of some Mennonites clearly to express themselves in English, and by their natural rural timidity. The fact cited by Major Kellogg that "less than 10% of the

[8] The figures are those of Prof. J. G. Evert, of Tabor College, Hillsboro, Kansas.

Mennonites	138	Pentecostal Faith	13
International Bible Students	27	Molokans	6
Dunkards (Brethren)	24	Apostolic Faith	4
Church of God (Holiness)	17	House of David	4
Church of Christ	17	Plymouth Brethren	3
Quakers (Friends)	13	Christadelphian	1
Seventh Day Adventists	11	River Brethren	1

Independent Christians 80

Mennonites went beyond the 8th grade" [9] need not necessarily be thought evidence of peculiar backwardness in these men as a group, when one considers they were almost to a man the product of rural environment.

Nevertheless, as a well-known Mennonite admits: "It is true that the older branches of the Mennonite Church in this country have remained somewhat backward as regards schooling and general culture for fear that this would detract from their religious rectitude and open the way to 'worldliness.' With these more conservative elements the people of the East have become better acquainted than with the more progressive Mennonites of the West." But, he continues: "Although the various bodies of Mennonites in this country together comprise only about 80,000 adult members, they support six colleges and seven academies of their own, in which more than 2000 students are registered."

Fortunately we have a quaint and valuable record from the Mennonites themselves in the book, "Mennonites in the World War or Non-Resistance under Test," issued by their own pub-

[9] Kellogg, "The Conscientious Objector," p. 130.

lishing house. Their committees and representatives were active in camps and at Washington in behalf of religious objectors. They accepted the principle of alternative service and cooperated with the Friends in relief work.

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The religious sectarians best loved by their fellow-objectors in Fort Leavenworth Military Prison were the Molokans. They came to this country from Russia on the understanding that here they would be exempt from military service. They formed their own isolated colony in Arizona and kept their own customs. They are fine farmers and have succeeded in making the desert blossom as a rose. It is part of their creed to abstain from all animal foods. They believe that their conduct is guided by the Holy Spirit, and they are sometimes called "Holy Jumpers" because of certain physical manifestations of what they consider the inspiration of the Spirit.

Some months before America declared war the Holy Spirit appeared to them in a dream and warned them the day was near when they would be conscripted. Furthermore the Spirit directed that they must destroy even the shotguns which

they had been using to keep off the blackbirds. The following day in the public square they broke their guns and burned them. Several days before registration the Spirit again came to them promising them that Christ would defend them if only they would not submit to the military. On registration day thirty-four of them held religious services in front of the registration offices at Glendale, Arizona. After they had completed their worship they entered the office and quietly informed the chairman that they would not register and gave reasons for it. Some of the Molokans came all the way to Washington to see the President. Through Mr. Tumulty they were assured that they would not be molested. Nevertheless thirty-four were sentenced to civil prison for refusal to register—a refusal in which they persisted though most of them as married men were entitled to delayed classification. Six of them finally reached the military prison at Fort Leavenworth. There they won an affectionate regard from their fellow-objectors which reflects honor not only on them but on their sect.

"While many religious fellows," writes one

of the objectors, "argued and wrangled and condemned one another to hell fire the Molokans quietly read their Bibles, walked up and down, or sang their songs. If direct questions were put to them with the purpose of drawing out their condemnation of certain conscientious objectors' or soldiers' points of view, they always answered with some kind and sympathetic remark, always maintaining their own faith throughout. They joined wholeheartedly in games, they seemed to understand the Russian situation, and showed a grasp of economic ills in the United States." In fact, the Molokans seemed to have been radically minded. "They said that in Russia their teachers had often been imprisoned with revolutionaries and so learned much of the revolutionary economics, which they thought in accord with Christianity."

An even more striking tribute to these men comes from a socialist objector of Jewish birth who had no love for religion.

"During our association with the Molokans, we found them very affable and by no means obtuse. I used to take great delight in watching them perform their religious ceremonies. Six

sturdy, bearded, dignified and sincere men, they would form a circle, and with their arms folded and eyes raised to heaven, they said their evening prayers. Even those of us who profess no religious belief would remain quiet and watch with respect while the Molokans conducted their religious services.

"The evening prior to their release, we persuaded them to sing their hymns as a sort of farewell. This time it seemed to me they sang with even more fervor and more ardor than ever before. While watching them, I could not help thinking of the sufferings these men had endured, and how in the face of all persecution they remained true to their principles. These men being strict vegetarians, their main sustenance for a period of more than eight months was corn flakes and milk. I often wondered how they were able to retain their health on this diet. In perplexity I questioned Kornivaloff about this one day. 'Oh,' he said, 'all right for me. Nobody else can do this (pointing to heaven) except if they have faith.' Despite this one-sided diet and their long incarceration, they were always happy, and diffused cheerfulness to all with

whom they came in contact. They would say: 'Well, by and by, maybe everything come all right.'

"They took a keen interest in our elementary English and arithmetic classes, and, unlike a good many other Christians, they were eager to learn about this world. Kulikoff, just before he left, said facetiously they may set aside a day each year in commemoration of their imprisonment. This day he said, 'We'll celebrate by feasting on corn flakes and milk!'

"By way of a send-off we gave them three rousing cheers, which shook the foundations of the Disciplinary Barracks. For the remainder of the day we were a rather doleful lot. . . . But when these men were released, we felt that for once the government had discharged those who deserved it most." [10]

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Outside of these sects there was and is a small organization—its members prefer to call it a "fellowship"—of men and women of many churches, and of none, who find in the example and teachings of Jesus a challenge to the whole

[10] J. Wortsman, letter of February 16, 1919.

social order of which war is the natural result, and an inspiration to seek a better way of life. In this faith they declare themselves unable to engage in war.

The society was originally founded in England shortly after the beginning of the great conflict, under the name of The Fellowship of Reconciliation. A similar society was soon founded in America where it claimed the interest and even the allegiance of some who were leaders in the religious life of the country. Not all of these felt able to hold its uncompromising stand when America entered the war, but the Fellowship itself continued and gained in strength. Never recognized by the government as a religious body within the meaning of the draft law, the Fellowship directly and indirectly was a real power in the lives of a number of objectors, and it steadily exerted what influence it had in behalf of their cause. Some of them, like the author of this book, probably owed to the Fellowship much of the impulse which opened their eyes to the incompatibility of war and Christianity.

IV

SOCIAL AND POLITICAL BACKGROUNDS OF CONSCIENTIOUS OBJECTION

By no means the whole story of the background of conscientious objection is to be found in the history of religious bodies. The extent and diversity characteristic of conscientious objection in the Great War were the natural result of a conflict of such magnitude that it drew the youth of all the embattled states into its insatiable maw. A reasoned criticism of war was not peculiar to the United States. In all countries there was pacifism rooted in objection on moral grounds to the method of war, or on economic, racial or international grounds to this particular war. To a limited degree European experience had an effect on American conscientious objection.

In Russia the influence of several nonresistant sects and of Tolstoi habituated the government,

both czarist and communist, to the notion of some exemption for men with religious scruples. It is an interesting fact that the Soviet government, which claims in behalf of the dictatorship of the proletariat to be entirely above hypocritical faith in impossible civil liberties, nevertheless promulgated a more liberal decree on the exemption of objectors and, in so far as the power of the central government ran, enforced it more liberally than nations which embody in their fundamental law provisions for freedom of conscience and speech.[1]

The state of armed truce which had accustomed most of the Continental peoples to military conscription was unfavorable to the growth of any notions of the superiority of the private conscience to state decree. The French notion of freedom has always been egalitarian rather than libertarian; it has always stressed the equality of citizens in rights and obligations rather than liberty of opinion. England, however, and her dominions, girt about by sea, had never felt the fear which prompted the European nations to

[1] See on this point, "Conscription and Conscience," by Principal John Graham. The appendix contains valuable facts about conscientious objection in all countries.

train their citizens for war. Therefore they had been able to formulate that conception of freedom as liberty of the individual which is so valuable a part of the Anglo-Saxon tradition. That tradition kept Australia—although she had adopted a plan of universal military training for boys—from ever adopting conscription for the war; her magnificent armies were composed entirely of volunteers. Canada did not adopt conscription until the summer of 1917, and Great Britain herself, whose stake in the conflict was vital, only adopted conscription reluctantly in January, 1916. Her laws made provision for exemption of objectors by military tribunals.

The story of the English movement toward conscription, beginning with an unofficial conscription by public opinion, was fairly well known in the United States prior to our entry into the war, and undoubtedly had an influence on the government on the one hand and the better educated of the objectors on the other. Such a respectable publication as *The Atlantic Monthly* had given American readers not only Bertrand Russell's pacifist articles, but sympa-

thetic accounts of British conscientious objection. (It took care never to do as much for American objectors once we were in the war.) In this way the story of British conscientious objectors formed a part of the American background.

A more important part was formed by our own history. Before 1914 a pretty thoroughgoing love of peace was respectable in the United States. Ministers in most of the churches preached peace sermons and found in them an admirable outlet for an idealism which did not inspire them to a searching criticism of the economic and political system out of which war is born.

The early stages of the Great War gave an added impulse to American peace sentiment. In spite of war propaganda by influential Americans the average citizen, until the spring of 1917, was frankly glad that his country was well out of the conflict. Neither the invasion of Belgium, the ravaging of Armenia, nor the sinking of the Lusitania served to kill our widespread pacifism. It was strong enough in the fall of 1916 to reëlect Mr. Wilson, and as late as

the declaration of war there were shrewd observers in and out of Congress who were persuaded that it would have been decisively defeated if it had been submitted to a popular referendum.

If there was a large element of pacifism in American public opinion, so, too, there was much opposition to conscription. The national and most of the state constitutions contain provisions which legally incorporate all male citizens in the militia, but in a practical way that provision had never been seriously carried out in the nation's history. At the outbreak of the conflict there were twenty-one state constitutions which specifically exempted from militia duty men of religious bodies whose creeds or principles were opposed to war. The Revolutionary War had been fought by volunteers; what coercion there was—except in the harsh treatment of Tories and occasionally of religious pacifists by local authorities—was a coercion by popular opinion rather than by law.

The war with England in 1812 and that with Mexico in 1848 were not only fought by volunteers but were so unpopular anyway that Daniel

Webster and others denounced them in language which in 1918 would have resulted in long terms of imprisonment. The Quaker records which have been carefully kept all through the years show no problem of conscientious objection in those wars. The Quakers did not even have to face unofficial conscription by community sentiment such as prevailed in England before the adoption of the draft. They won exemption from ordinary militia duty at a time when Indian wars were threatening in Indiana. Mennonites and Dunkards were but little less fortunate.

In the Civil War the draft was introduced, but it was not popular, nor was it enforced with anything like the vigor and system of our later Selective Service Act. It provoked serious draft riots in New York. It contained an indefensible provision whereby a man might hire a substitute to serve for him. Even Quakers availed themselves of this provision although officially Friends' Meetings discouraged the practice. In some cases where young men themselves did not secure substitutes their families or friends did it for them. Nevertheless, there were a few

Quaker conscientious objectors in the North, some of whom suffered persecution for conscience' sake.

The best-known case is that of Cyrus Pringle, whose experience is told in his diary which in 1918 was edited by Rufus M. Jones and published under the title "The Record of a Quaker Conscience." Pringle and two other Quakers from Vermont, after suffering many things at the hands of the military, were at length granted an indefinite parole at the personal request of President Lincoln. The great President took similar action in the case of Henry D. Swift. The records also show that in some cases the district boards of enrollment, or local military officers, found ways to leave the Friends unmolested. In general the problem of conscientious objection aroused little discussion in the North during the Civil War.

In the South conscription was early resorted to in a desperate effort to defeat the more populous North. For a time in the middle of the war, according to the Mennonite history, exemption was granted to members of pacifist sects on payment of $500, but this was repealed in 1864.

The position of the Quakers, Mennonites and Dunkards in the Confederacy was peculiarly difficult because for the most part they were Union men and opposed to slavery, so that their opposition to war was not merely religious but in the eyes of their fellow-citizens seditious. They were suspected of sympathy with the enemy. Many young pacifists of draft age resorted to "bushwacking"—that is, they left their homes and lived as best they could in the woods and bushes, hiding in caves and eating whatever they could find or was smuggled to them. Some of them were sent to the prison where Northern prisoners of war were confined—Libby, Danville, Andersonville. Others were forced into camps and into even the battle lines. There seems to be no record of the execution of a conscientious objector, but short of that almost every form of persecution was tried.[2]

With the end of the Civil War all thought of military conscription faded from the mind of the American people, North and South alike. There was no occasion to disturb our easy-going

[2] An admirable account of these events is to be found in the report of Commission One of the American Friends on "The Fundamental Basis of the Peace Testimony."

confidence that when necessary we could beat the world. In the Spanish War against a weak opponent we won an easy victory with our small regular army and hastily assembled volunteers. In the closing years of the 19th century and in the opening years of the 20th, Americans were content to trust to the navy for defense, and for the navy there was no thought of conscription.

At a large student conference in the summer of 1914, shortly before the outbreak of the Great War, the main address was delivered by a well-known pacifist clergyman. His theme was world peace. The audience cheered enthusiastically every reference to the iniquity and folly of the European military system. That was the characteristic attitude of Americans. Yet within three years conscription was adopted in America with the hearty approval of these same college men, most of whom at the time were already in officers' training camps. And the preacher himself was supporting the war.

This change was by no means so remarkable as it appears on the surface. If conscription in the United States was unthinkable in June, 1914,

so was the Great War itself. The pulpit orator at the student conference, like the more illustrious William J. Bryan, never pretended to be for peace at any price. Neither were the American people. When all Europe was in flames the pacifist organizations which up to the declaration of war continued their fight against America's entry into the world's struggle took elaborate pains to make it clear that—whatever the position of some of their members—they were officially opposed to America's entrance into a particular war, not necessarily to all war. American pacifism was born of a sentimental rationalization and moralization of our fortunate geographical position. It had seldom interfered with the march of our own empire. We ruthlessly disposed of the Indians and took what we desired from Mexico; we continuously lynched Negroes, and carried on labor struggles with more bloodshed than England, France and Germany combined. This is not the record of a pacific people.

Neither were we well grounded in opposition to conscription. The early pioneer instinct, while sufficiently combative, was individualistic

and therefore opposed to conscription, but the individualism of the pioneer stage was but a memory in the year 1917. Conformity is the social law in America. We wear the same sort of clothes, read the same sort of magazines, belong to the same sort of social organizations. We have our fads gregariously. Fighting was stern business and the sound instinct of Americans for getting business done led them to support conscription. When war was declared it was easy to persuade us that the voice of the government was the voice of the "people"—even though they probably would have defeated a referendum on war. And the voice of the people was the voice of God.

There is a story to the effect that Lord Northcliffe on a visit to America, shortly before our declaration of war, was discussing with a correspondent the question of the American attitude toward war and conscription. He led his interviewer to an office window overlooking a crowded New York street, and, pointing out to the great throngs of people below, he said, "Do you see these people? They all wear the same kind of hats. They are the most docile people in the

world." He was nearer right than some American prophets of the same period.

In the retrospect it is quite apparent that the only pacifism which might have succeeded was a positive pacifism much stronger than a mere dislike of war. There was a pacifism preached which appealed to a constructive religious philosophy, but it fell on deaf ears in churches which had long since learned to explain away the nonresistance of Him whom they called Master. There was an opposition to war which rested on a class-conscious internationalism, but it was not effective in a country where labor was not class conscious and only the comparative handful connected with the I. W. W. or the Socialist Party understood the meaning of its terms. The internationalism of religion and the internationalism of labor both had broken down in Europe. They were less likely to succeed in America.

There remained a kind of pragmatic pacifism toward which President Wilson himself seemed to lean. It was a pacifism which, holding aloof from the stupid pro-German propaganda on the one hand and the cleverer pro-Allied propaganda on the other, held that responsibility for the war

fell not solely on one guilty nation but in some degree on all, and that the only tolerable solution was "peace without victory." But before our entry into the war the secret treaties and other documents which now serve to make this contention plain were wholly unknown or only partially guessed. So, too, were the facts that make it likely that at various junctures the combatants were on the verge of negotiations which a bolder American diplomacy might have brought about. It was not even easy to make clear to the average American to what extent important financial interests had taken a stake in Allied success, and how exceedingly benevolent was America's neutrality toward the Allied powers. The very fact that Mr. Wilson had been accepted as the spokesman of pragmatic pacifism made it hard to say that he was mistaken when he finally declared that the ideal ends he had preached could only be served by war.

But these facts which seem clear to hindsight were not by any means so apparent either to the friends or the enemies of American participation in war. They only knew that beside German-Americans who looked with sorrow on a war with

their Fatherland, and Irish-Americans who feared and hated England as others did the Kaiser, there were some organized anti-war groups that could not be ignored. These included not only religious groups but various pacifist societies. The American Union Against Militarism, with headquarters in Washington, had begun its activities by opposition to the preparedness agitation with which war sentiment began. The Emergency Peace Federation, merged with the People's Council a few weeks after the declaration of war, though hastily organized and without influential leadership, showed for a while a great vitality. Farther to the left was the Socialist Party, whose convention in St. Louis after war was declared was far more uncompromising in denouncing it than the Socialist Parties abroad. The party did not hold to the implications of its position.

There were also a number of mushroom leagues or fellowships of young men who vowed steadfast resistance to conscription. To one who heard the vehemence of their professions it still remains somewhat surprising, not that they disappeared, but that they vanished so easily, completely, and finally, before the government had

time to take really aggressive action against them. Their disappearance served to differentiate the history of conscientious objection in America rather sharply from its history in England. There the No Conscription Fellowship, although scarcely a legal organization, filled a place left vacant in America. Its success was due not only to the character of its membership but also to the greater tolerance or less active intolerance of the British Government. One who remembers our war-time sentences must conclude that life imprisonment would have been the mildest punishment the resourceful leaders of the No Conscription Fellowship could have expected in the United States.

There were indeed some organizations that took an interest in conscientious objectors. While most of their members were sympathetic with the opinions of the objectors their official position was one of seeing that objectors received whatever consideration could be obtained from the government. They made it plain that they were not themselves societies to resist conscription. The most important of these groups was

the National Civil Liberties Bureau, with headquarters in New York City and an office in Washington. Organized just after the declaration of war as a department of the American Union Against Militarism, a few months later it assumed an independent existence. It was a committee which sought no national membership, but it received considerable national support from men and women not all of whom shared the point of view of conscientious objectors but all of whom believed intensely in freedom of opinion and expression. It existed to serve the entire field of civil liberty, not merely conscientious objectors, and, expanded into the American Civil Liberties Union, it is still an important force in its field. That during the war it accomplished as much as it did was due largely to the skill and courage of its director, Roger N. Baldwin, himself a conscientious objector. He was ably supported by the committee as a whole, particularly by its chairman, a Quaker lawyer, L. Hollingsworth Wood, and by its own attorney, Walter Nelles. The Bureau of Legal Advice, of which Dr. John Lovejoy Elliot was chairman

and Frances M. Witherspoon secretary, also rendered useful and courageous service especially to objectors in and about New York. As time passed, especially toward the close of the war and after the armistice, other individuals and organizations befriended the objectors.[3]

[3] See chapter XIII for further reference to these activities.

V

THE BEGINNINGS OF THE GOVERNMENT'S POLICY

War was declared by the United States on Good Friday, April 6, 1917. The Selective Service Act, requiring all men from 21 to 30 years of age to register for military service, was passed May 18. The Espionage Act was passed June 15. There was considerable opposition to conscription, both in Congress and in the country. Labor, on paper, was opposed to it. But it cannot be said that the opposition to it was vehement or well organized. Of the anti-war societies only the American Union Against Militarism was at all active against conscription. Some uncompromising pacifists insisted that it was a matter of indifference—their task was to stop the war; others who had formerly been opposed to the war favored conscription as the best way to see it through. Probably they were

right, at least from the standpoint of efficiency. It is to be doubted if modern war between strong opponents can be carried on without conscription and the denial of free speech. That is one of the indictments of war: its first casualties are liberty and truth.[1]

While there was any chance of defeating conscription little or nothing was said of conscientious objectors. But when it became evident that conscription was to be the policy of the country some efforts were made to secure at least as liberal provision for conscientious objectors in America as had been granted in Great Britain.

There was no great interest in the matter either in the press or in Congress. In a war of such magnitude, the fate of an individual seemed a little thing. In liberal circles the trust in the President was high. It was understood among the more active pacifists that the President had expressed to certain English callers his dislike of the English brutality to conscientious objectors,

[1] It has been argued in England that conscription did not add to the effectiveness of the British army and that the schemes of alternative service imposed on conscientious objectors cost the nation much more than they brought in. This may be true. Yet from a psychological viewpoint conscription was probably necessary in England. It made, I think, for efficiency in the United States from every viewpoint.

and it was assumed that his libertarian philosophy would make him tolerant in dealing with this class of men in America. Nevertheless the American Union Against Militarism, the Philadelphia Friends, and the Fellowship of Reconciliation (or at least individuals of some prominence in their membership) put forth efforts to secure legal exemption for objectors. Secretary of War Baker was interviewed on his policy by an informal committee composed of Miss Jane Addams, Miss Lillian Wald and the author.

Mr. Baker had apparently given the matter comparatively little consideration, and was inclined to assume that all objectors would be members of religious sects and that no man was likely to object to anything except combatant service. Such objection would be wholly unreasonable. Hence Mr. Baker felt that exemption of bona fide members of pacifist sects from combatant service covered the case. This was provided for in the proposed draft law. When the English situation had been explained to him he expressed real interest, asked for a written memorandum on the subject, and assured

the informal delegation that they could depend upon him to see that there was no brutality in the treatment of American objectors. Efforts to interview the President were unavailing, but the point of view which had been previously expressed to Secretary Baker was laid before him in writing. He gave no formal answer to the communications which were sent him, but in a private letter to an individual he explained that the "Military Affairs Committee" felt that nothing in the way of exemption to individual objectors was feasible, "for fear that the unconscientious would escape." It is fair to assume that he shared this view in spite of his declaration that this was in no sense "conscription of the unwilling." He probably thought that as Commander-in-Chief of army and navy he would be able to mitigate the force of coercive measures against genuine objectors.

Meanwhile the same individuals and organizations which had been trying to reach the President got in touch with the Military Affairs Committees of the House and Senate. A subcommittee of the Military Affairs Committee of the Senate held a hearing about conscientious objec-

tors in which it was argued: (1) That the proposed law assumed the existence of a corporate and sectarian conscience which did not exist. Conscience, whatever its social background, is individual or it is nothing. To exempt a man merely for membership in a sect is to grant a kind of special privilege. (2) That exemption from combatant service could not meet the scruple of many of the bravest and most sincere objectors, as the English experience showed. (3) That genuine war for democracy could not be waged by a conscription of conscience. The real objector could be trusted to be of use in civil life.

The Military Affairs Committee was courteous and interested, but nothing ever came of the hearing. The same Senate which had time for a long exchange of badinage between the members on the wording of the clause prohibiting the sale of liquor to men in uniform, gave no serious consideration to the problem of conscientious objection. An amendment to the selective service bill by Senator La Follette, looking in the direction of more comprehensive exemption, was immediately defeated. In the House a similar amend-

ment introduced by Representative Keating of Colorado was quickly voted down. By actual count, the House spent as many minutes in discussion of *the wording* of exemption of ministers of the gospel as on the whole subject of conscientious objection. The English experience was scarcely referred to. Some of the very small group who were working for exemption laws were bitterly disappointed at this cavalier treatment given to their cause. Probably their disappointment was unreasonable. The most that could have been hoped for was that a good administrative system would be worked out on the basis of experience for dealing with certain classes of objectors. Even had there been power to obtain a more liberal law before the full hysteria of the war psychology was upon us it is probable that its more generous provisions would have been ignored or evaded as was the case in England.

Registration day was fixed for June 5, 1917. In spite of the ease with which the draft law had been passed, there was considerable uneasiness manifested by the newspapers and by some public officials as to the attitude of the country. The

newspapers were filled with exhortations to register and arguments as to the fairness of the selective draft machinery. One heard much about the democratic method of conscription, coupled with dire threats of punishment for draft evaders. For days before the actual registration the New York *Times* carried on the front page articles under such headings as these: "President Warns Those Who Flee From Draft," "Ready to Handle New Draft Crisis," "Reveal Plots to Fight Draft, Eleven Under Arrest," "No-Conscription League Here Has Issued 100,000 Circulars Opposing Registration." Finally, on June 5 it announced, perhaps more in the tone of hope than of expectation, "Anti-draft Agitation Loses its Force," with a sub-heading, "Predict Peaceful Registration Here."

Such headlines were partially to be explained by the anti-draft agitation which at the time was making some noise. There were threats of wholesale refusal to register emanating mostly from radical societies in industrial centres. Some individuals who had been prominent in the pacifist agitations in the days before the war, and who were still opposed to war and conscrip-

tion, thought it advisable to issue a statement urging men to register and to record the fact that they were conscientious objectors. This statement, signed by twenty-two men and women "active in the anti-militarist movement," was given wide publicity and probably had weight. At least it indicated the willingness of the majority of uncompromising pacifists to go with the government as far as possible. So radical an organization as the I. W. W. also advised its members to register.

Registration day came. In all this great country the only untoward events which the *Times* from its viewpoint found worth headlining were: "Butte Under Martial Law—300 Molokans Near Phœnix Refused to Register." It was not then known that thousands of men managed to evade registering, nor suspected that having registered, they would manage to escape service.

Some brave conscientious objectors, among whom were the Molokans, deliberately refused to register and announced that fact. In Rockford, Illinois, quite a crowd of I. W. W.'s and other objectors refused to register, and then

marched to take up quarters in the jail. In general, objectors registered but recorded the fact that they were objectors.

The machinery of examination and classification went on as smoothly as registration itself. According to the report of the War Department there were 64,693 claims made for noncombatant classification (that is, presumably, on grounds of conscientious objection) of which 56,830 were recognized by the local boards. Of the claimants, 29,679 were placed in Class 1 and found physically fit for military service, of whom 20,873 were inducted into the service. Of these it will be recalled that only about 4000 persisted in their claim for exemption from either combatant or noncombatant military service in the camps. This number, moreover, included men not originally recognized by local boards as objectors.

Nearly all organized agitation in favor of conscientious objectors disappeared under threat of the espionage law and the general pressure of public opinion. The boasts of no-conscription leagues were silenced. Men who declared they had sworn to resist conscription even in the face

of the firing squad, a few months later were soldiers in the uniform of the United States. In the mountains of West Virginia and among certain Oklahoma tenant farmers there were some gestures of armed resistance to the draft law, but no blood was shed and there was nothing comparable to the draft riots of Civil War days. On the whole the country accepted conscription docilely if not enthusiastically.

One reason for this was doubtless the fact that the selective service law was admirably framed to obtain public approval; it left power with local boards; its provisions for deferred classification and the like were admittedly fair; there was no hiring of substitutes as in the Civil War. No effort was spared to make it appear that the drafted man was honored by being chosen to serve his country, not by an autocratic general staff, but by a committee of his fellow citizens. "Having submitted yourself to a local board composed of your neighbors for the purpose of determining the place and time in which you can best serve the United States in the present emergency," ran the order of induction into military service.

The deeper reason was the war psychology. Once a nation is at war, Mars becomes a mighty evangelist in his own behalf. He can always advance the potent argument that the only issue left is: Which do you desire to win, your own country or the enemy? He can play on a mixture of deep-seated emotions—an instinctive comradeship for one's own fellows and an equally instinctive fear and hate of those outside the boundaries of nationalism. He can assume the robes of an angel of light and declare a given war a holy crusade. This was the great achievement of President Wilson who turned even the popular hatred of war into an argument for this war which was waged to end war forever.

Thus was public opinion molded and thus did public opinion mold prospective objectors. Fear of personal consequences played a comparatively minor rôle in converting potential objectors. Figures show that only one-fifth of the number of those inducted into service whose standing as objectors was recognized by local boards claimed exemption at camp. When four-fifths of those entitled to noncombatant service do not accept it, it is obvious that not the threat

of punishment but the pressure of community feeling is the primary cause of wholesale conversions.

From the beginning the government made it plain that it intended to enforce the conscription law. Naturally the first to feel its weight were those who refused to register. The law provided that failure to register should be punished by imprisonment not to exceed one year after trial before a Federal judge. The prisoner was then to be compulsorily registered and made subject to the draft at the expiration of his sentence in the same way and on the same conditions as if he had registered in the usual manner. The number of conscientious objectors—as distinguished from draft evaders—who attested their faith by public refusal to register has never been officially tabulated. The treatment such men received as the war went on was various. In some cases the law was strictly carried out; men were sentenced, and compulsorily registered and made subject to draft by their local boards after the expiration of their sentences. In some cases the sentences were purposely made very short and the men were immediately ordered to camp. In

some cases—notably in that of several socialists, A. S. Broms, W. H. Treseler, R. A. Carlton, Carl W. Johnson, Axel W. Carlson, Gunnard Johnson, Morris Kamman, and Nickolaus Ungar, in Minneapolis, Minnesota—the men were quite illegally inducted into service by the military while they were still in jail. And then upon their continued refusal to serve, they were court-martialed and sent to military prison for ten, fifteen or twenty years.

A test case of the constitutionality of the draft was brought by Donald Stephens, of Arden, Delaware, a man of the highest sincerity and devotion to principle. He refused to register, and argued that conscription for overseas service was unconstitutional. This argument had originally been worked out by the noted constitutional lawyer, Hannis Taylor, and was advanced in several cases only to be unceremoniously rejected by the courts. Stephens ultimately served a term in the Delaware workhouse and would have been automatically inducted into service had the war lasted long enough.

Perhaps the most singular case on record was that of Ammon Hennacy. This young socialist

idealist in Ohio went on preaching opposition to the war after it had been declared. Though the Espionage Act had not yet been passed he was convicted under the conspiracy statutes, and sent to the Atlanta Federal prison for two years. Not unnaturally such a man refused to register even when under arrest. He was therefore compelled, after serving two years in Atlanta, to serve seven months in the Delaware Ohio County jail for failure to register. He began this second sentence three months after the armistice, and his imprisonment was light, at least compared with that at Atlanta where, in order to break his will, he was threatened with execution, suffered solitary confinement in the "hole" for nine months, and was otherwise so persecuted as to make his success in preserving his sanity, good cheer and idealism an amazing tribute to the possibilities of the human spirit.

On the second registration when Congress extended the provisions of the draft act to men over thirty, a number of men refused to register, or, having registered, refused medical examination and so reported to the local authorities. Roger

Baldwin's case was the most notable under the second registration. He was more fortunate than many others in the conditions of his imprisonment.

VI

DEVELOPMENT OF THE GOVERNMENT'S POLICY

It was not until September, 1917, that the great wooden barracks cities for the training of the new armies were near enough completion to make a general mobilization possible. Conscientious objectors who had been assigned by local boards to the first quota reported with the rest. Their only legal protection was the following paragraph in the Selective Service Act:

> Sec. 4 * * * nothing in this act contained shall be construed to require or compel any person to serve in any of the forces herein provided for who is found to be a member of any well recognized religious sect or organization at present organized and existing and whose existing creed or principles forbid its members to participate in war in any form and whose religious convictions are against war or participation therein in accordance with the creed or principles of said religious organizations, but no person so exempted shall be

exempted from service in any capacity that the President shall declare to be noncombatant.

Many objectors did not come under the provisions of this act; many would not accept noncombatant service; some even of those entitled to certificates of conscientious objection were refused them by the draft boards. But whatever the terms of the law or the attitude of the local draft boards, the real power over the conscientious objectors within wide limits lay with the War Department acting under authority of the Commander-in-Chief, President Wilson.

Almost immediately the first question arose, raised by a group of Mennonites whose conscientious scruples had been duly recognized. These men refused to wear uniforms. Under date of September 25, 1917, the Secretary of War directed that Mennonites "be not forced to wear uniforms as the question of raiment is one of the tenets of the faith." That ruling was quietly extended to other objectors although almost to the end of the war the question of uniforms made trouble in certain camps.

Problems increased. Some officers tried persuasion on men professing conscientious objec-

tion, some tried coercion. By October 10 the situation was serious enough to call forth a definite ruling from the War Department:

Confidential)

From: The Adjutant General of the Army
To: The Commanding generals of all National Army and National Guard division camps.
Subject: Conscientious objectors.

1. The Secretary of War directs that you be instructed to segregate the conscientious objectors in their divisions and to place them under supervision of instructors who shall be specially selected with a view of insuring that these men will be handled with tact and consideration and that their questions will be answered fully and frankly.

2. With reference to their attitude of objecting to military service these men are not to be treated as violating military laws thereby subjecting themselves to the penalities of the Articles of War, but their attitude in this respect will be quietly ignored and they will be treated with kindly consideration. Attention in this connection is invited to a case where a number of conscientious objectors in one of our divisions, when treated in this manner, renounced their original objections to military service and voluntarily offered to give their best efforts to the service of the United States as soldiers.

3. It is desired that after the procedure above indicated shall have been followed for a sufficient length of time to afford opportunity to judge of the results derived from it, a report of the action taken and the

results obtained under these instructions be submitted to the War Department by each division commander. As a result of the consideration of all these reports further instructions will be issued by the Secretary of War as to the policy to be observed in future in the case of conscientious objectors.

4. Under no circumstances are the instructions contained in the foregoing to be given to the newspapers.

H. G. LEARNARD, Adjutant General.

The last clause, directed against newspaper publicity, was destined to haunt Secretary Baker like a ghost. It was held to be evidence of a furtive pacifism. The War Department, however, explained it as an effort to avoid giving encouragement to insincere objectors.

This order was good only as a temporary expedient while a permanent policy was being developed. Obviously it presented difficulties both to commandants of camps and to objectors. Who, for instance, were the conscientious objectors who came under this order—were they only members of sects or all who steadfastly professed scruples against war? How were the officers to deal with those whom they could not convert by "tact and consideration"? How long could they keep men in camp as soldiers who refused to be

soldiers? These and other questions Mr. Baker was slow in answering.

On October 20 another official order stressing the order of October 10 was called forth by reports of "mistreatment and non-segregation of conscientious objectors." This insistence led officers generally to segregate all men who were obdurate—some of them being obliged to prove obduracy by much endurance of persecution—regardless of their membership in a sect, but it was not until December 19 that Secretary of War Baker directed that "until further instructions on the subject are issued 'personal scruples against war' should be considered as constituting 'conscientious objections' and such persons should be treated in the same manner as other 'conscientious objectors' under the instructions contained in confidential letter from this office dated October 10, 1917."

Why the War Department moved so slowly it is hard to say. Some of the reasons may be guessed. It faced a tremendous task, and conscientious objection was to it a minor detail; it was afraid of public clamor if it did the unpopular thing, and so was feeling its way.

Then, too, Mr. Baker was much pleased by the conversions made in the early days of supervision under instructors of tact and discretion. Writing after the war in justification of this policy, Assistant Secretary Keppel was able to point out the gains to the army when Mr. Baker's orders were properly carried out.

> Where their sincerity was assumed, as for example by Gen. J. Franklin Bell at Upton, out of a division made up from a cross-section of the population of New York City, only thirty-odd men refused to accept military service. At another camp, where it was assumed that they were insincere, 40 men were court-martialed and given long sentences for refusing to sow grass seed and plant flowers around the base hospital, an order obviously framed for the purpose of revealing the insincerity of the objector. At another camp the sanitary regulations regarding these men were interpreted in such a manner as to call forth a severe condemnation from the Inspector of the Army.[1]

Mr. Baker's mistake was to suppose that in the army there would be many General Bells. He forgot, too, that the continual friction inevitable under his policy tended to stiffen the resistance of the objectors who were grouped together in segregated barracks. The story goes that the Sec-

[1] Statement Concerning Conscientious Objectors.

retary was both amused and impressed by an incident at Camp Meade. In the early days a raw rookie announced that he was an objector. He was also a baseball enthusiast. In the course of the first few hours of his stay in camp baseball teams were formed. He sought a place on one of them, but was told that no objector was eligible to a company team. He donned his country's uniform in order to be able to play baseball. The story, if true, is anything but typical. Yet any one with imagination enough to picture the isolation of the individual in a cantonment humming with soldiers will understand that to persist in objection took tremendous moral conviction, an abnormal indifference to environment, or a pathological aversion to the thought of physical combat. This pressure, however, was most keenly felt in the first week; it was less felt after men were in segregated barracks. As the months went by their presence in military camps was an invitation to trouble.

All this was clearly recognized by the Civil Liberties Bureau. It early began to suggest to the War Department that the existence of segregated groups in military camps was no solution of

a difficult problem from any point of view. It urged the Department: (1) To hasten the process already informally under way whereby men whose scruples were only against combatant service could be placed in hospital and other non-combatant units; (2) To provide alternative, non-military service in relief work or on farms to the considerable number who would accept it; (3) to put absolutists, whom the Department neither dared nor desired to release, in detention camps such as were provided for enemy aliens rather than to sentence them to the drastic punishment imposed by courts-martial.

Such suggestions had no immediate effect. The Department continued its policy of drift. It was obliged to take note of the accumulating complaints which its policy or lack of policy caused. Army officers and friends of the objectors united in wanting something done. The unpleasant job of mediation fell to the lot of F. P. Keppel, Third Assistant Secretary of War, who brought to the difficult position of shock absorber reputation and experience acquired as dean of Columbia College. He was in the earlier days quick to acknowledge and usually prompt

to act on information with regard to violation of the spirit of the Department's orders from the Civil Liberties Bureau and others. Toward the end of the war relations with the Civil Liberties Bureau became strained because the Bureau became suspect to the Department of Justice as a defender of radicals and pacifists. The Military Intelligence charged that it made objectors in the act of defending them—a charge which could not be sustained even in war-time courts.

But despite efforts on the part of the War Department to enforce its own orders, the situation remained unsatisfactory at the camps. The anomalous and ill-defined position of the segregated objectors was more and more frequently ended by summary court-martial proceedings on the ground that this or that military order was disobeyed. These became so numerous that on March 6 the Secretary ordered a report sent to him of all court-martial proceedings against conscientious objectors and directed that psychological examination of all objectors be made. Later it was decreed that "in all cases where psychiatric specialists recommend the discharge of such men [objectors] for mental de-

ficiency or derangement their discharge for the good of the service is authorized."

At last on March 20, 1918, the President himself issued an executive order which was thus officially summarized:

Paragraph 1 quotes section 4 of the selective service law and declares certain service (a) in the Medical Corps, (b) in the Quartermaster Corps, and (c) in the Engineer Service as noncombatant.

Paragraph 2 provides for two classes of conscientious objectors, i. e., those (a) who have been certified by their local boards to be members of a religious sect or organization as defined in section 4 of the act of Congress; (b) who object to participation in war because of conscientious scruples but who have not received such certificates from their local board, and directs the assignment of these men to noncombatant service to the extent they are able to accept such service without violation of "the religious or other conscientious scruples by them in good faith entertained." Commanding officers are directed through a tactful and considerate officer to present the provisions of this order to such persons; explain the character of noncombatant service defined and secure acceptance thereto, and upon acceptance, to give a certificate preventing the transfer of such person to any other form of noncombatant service without his consent, and recommends, whenever feasible, assignment to the Medical Department.

Paragraph 3 provides for a monthly report on all persons professing conscientious objections who are un-

willing to accept noncombatant service with the reasons therefor. The Secretary of War will then classify these persons and give further directions as to their disposition. Pending such directions, however, it is provided that declinants of assignment to noncombatant service shall be segregated under the command of an officer of tact and judgment who will be instructed to impose no "punitive hardship" upon them but not to allow their objections to be the basis of any consideration beyond exemption from "actual military service."

Paragraph 4 recommends uniformity of penalties in sentences of courts-martial under the sixty-fourth and sixty-fifth articles of war and prescribes confinement in the United States Disciplinary Barracks but not in a penitentiary except in cases of desertion.

Paragraph 5 provides for revision of sentences of courts-martial imposed prior to this order by the Secretary of War, with a view to their remedy by the President, if found at variance therewith.

On April 18, 1918, the Secretary of War construed the President's Executive order in effect that conscientious objectors accepting noncombatant service should not be required to bear sidearms.

Referring to the provision in the third paragraph of the Executive order that no "punitive hardship" shall be imposed upon conscientious objectors and to similar provisions in the order of June 1, 1918 (Exhibit 16), and the order of July 30, 1918 (Exhibit 20), the Secretary of War in a memorandum to the Judge Advocate General on August 30, 1918, in response to a request from the Judge Advocate General for an interpretation of the term said:

"The words 'punitive treatment' were not in-

tended to embrace punishment imposed by a regularly constituted court-martial, but merely to prohibit the disciplinary punishment which might otherwise be imposed without trial. Conscientious objectors are subject to trial by court-martial as are other members of the military establishment."

By an order dated April 27, 1918 (Exhibit 15), the Secretary of War directed that any man classed as a conscientious objector on account of religious belief or personal scruples, (a) whose attitude in camp is sullen and defiant, (b) whose sincerity is questioned, (c) who is active in propaganda, should be promptly brought to trial by court-martial.[2]

It may be seen that this order with its various interpretations still left the fate of men unwilling to take noncombatant service open to further decision. It represented little more than an official approval of existing practice. And the order of April 27 made a serious breach in whatever safeguards the President's decree had set up around the objectors. To officers impatient of the various scruples and shades of objection of "religious cranks" and "unpatriotic socialists," what could be easier than to find them "sullen and defiant" or "insincere"?

When the War Department was taxed with its failure to provide alternative service, it replied

[2] Statement Concerning Conscientious Objectors.

that to grant it required Congressional authority. In March, 1918, largely because of a threatened shortage in farm labor, the furlough law was passed. It provided that:

"Whenever during the continuance of the present war in the opinion of the Secretary of War the interests of the service or the national security and defense render it necessary or advisable, the Secretary of War be, and he hereby is, authorized to grant furloughs to enlisted men of the Army of the United States with or without pay and allowances or with partial pay and allowances, and, for such periods as he may designate, to permit said enlisted men to engage in civil occupations and pursuits: Provided, That such furloughs shall be granted only upon the voluntary application of such enlisted men under regulations to be prescribed by the Secretary of War."

In response to a request for an expression of opinion concerning the extension to conscientious objectors of the provisions of the furlough act, the Acting Judge Advocate General on May 31, 1918, advised the Secretary of War as follows:

"If the Secretary of War, in the exercise of his honest discretion, determines that the good of the service and the national security and defense makes it necessary or desirable that these conscientious objectors be furloughed to enable them to engage in civil occupations, he is of course authorized to make regulations providing therefor. Since no furlough can be granted except on the voluntary application of the enlisted man, and since the furlough is to be granted under regulations pre-

scribed by the Secretary of War, a soldier who accepts a furlough applied for under such regulations thereby consents to the conditions in such regulations imposed. It is, of course, extremely difficult to justify any distinction in the regulations governing the furlough of conscientious objectors and those governing other furloughs. But, if the Secretary, in the exercise of his discretion, determines that the good of the service and the national defense require such distinction and if a conscientious objector accepts a furlough under regulations which are carefully framed in accordance with the suggestions hereinafter set out, it is difficult to see how the validity of such a furlough or the validity of the contract between the employer and the furloughed soldier could be successfully attacked." [3]

Now for the first time the War Department undertook to utilize men who had a real desire to serve in relief work or in raising food but who had been kept in idleness in segregated barracks or in guardhouses because they could not accept military service. A series of orders beginning June 1 and finally summed up in the comprehensive order of July 30 permitted the furloughing of men for farm service; for the Friends Relief Unit in France; and, in exceptional cases, for industrial work. Furloughs were only to be granted after a personal examination of the ob-

[3] Statement Concerning Conscientious Objectors.

jectors by a Board of Inquiry consisting of Major Richard C. Stoddard, judge advocate, chairman (he was succeeded about August 15, 1918, by Major Walter G. Kellogg); Judge Julian W. Mack, United States circuit judge; and Dean Harlan F. Stone, of the Columbia University Law School. Men adjudged "sincere" by this board were eligible to furlough. "Insincere" men and men refusing both noncombatant and alternative service were subject to court-martial. The order of July 30 also summarized what was expected of objectors in camp pending examination and final decision on their cases:

(a) As a matter of public health, every man in camp, regardless of his military status, shall keep himself and surroundings clean, his body in good condition through exercise, and those men declining to perform military service shall prepare their own food.

(b) Any drafted man arriving at camp who records himself as a conscientious objector shall not be compelled to wear a uniform or bear arms, nor, if pending the final decision as to his status he shall decline to perform, under military direction, duties which he states to be contrary to his conscience, shall he receive punitive punishment for such conduct. He shall be required to furnish the necessary information to complete his records of induction, but will be informed that his status will not be prejudiced thereby.

(c) No man who fails to report to camp as ordered by the local board, or, on arrival, fails to report himself as a conscientious objector, is entitled to the treatment outlined.[4]

Much trouble would have been avoided if these definite rules had been laid down, and obedience to them enforced from army officials, earlier in the war. One point in them bore hardly on a small group of objectors. These men though reporting to their local boards and making no effort to evade the draft yet refused to entrain for camp. Under paragraph (c) they were deprived of the treatment accorded to objectors who reported at camp.

The order of July 30 virtually marks the end of the development of the government's theoretical programme up to the armistice. Further orders were unimportant. The actual working out of that programme must be left to subsequent chapters.

[4] Statement concerning conscientious objectors. *op. cit.*

VII

HOW THE MACHINERY WORKED

By the summer of 1918 when the Board of Inquiry was finally appointed every important camp had its segregated group of objectors. Some of the men had been segregated for months, others were newcomers. Many were willing to take alternative service, some would take certain kinds of noncombatant service, some were absolutists who would refuse any service under conscription in connection with the prosecution of the war. Most of them were religious objectors, usually members of religious sects, but a considerable number of the most determined objected on rational, humanitarian or political grounds. Some of them in their own persons had experienced brutal treatment, nearly all of them had witnessed it and had seen their comrades court-martialed at the whim of irritated officers contrary to the spirit if not the letter of

the Department's orders. Most trying of all, they had been compelled to go through a long struggle with officers on issues apparently petty in order to preserve their status as objectors. Things that men would gladly have done as gentlemen to help in the common life of the camp they could not do when obedience to any military order was interpreted as a sign of submission. So it came to pass that a course of action which objectors had pictured to themselves as unflinching testimony to their dearest beliefs often degenerated into a long wrangle with officers on potato paring or saluting.

It can be imagined, then, with what satisfaction the objectors and their friends welcomed the prospect of action at last. The Board began work promptly; it brought to its task energy and intelligence. If the machinery of which it was an important part proved disappointing it was not the fault of the Board so much as of the situation itself. Dean Stone has given us an admirable account of the task as it appeared to him:

"It will be observed that the function to be performed by the Board was confined within nar-

row limits. Nevertheless the task was not easy. To discover and weigh and measure the objector's resistance to authority was no light undertaking. Although all the members of the Board were lawyers, the lawyer spends his life in dealing with the acts and conduct of men. Only in rare instances does the law try to fathom the human conscience. As was said some hundreds of years ago by the redoubtable Chief Justice Bryan, 'The thought of man shall not be tried for the devil himself knoweth not the thought of man.' It was not without some misgivings, therefore that the Board of Inquiry in June, 1918, began its formidable undertaking. From then until the signing of the armistice it traveled steadily, visiting the various army cantonments throughout the United States. From Camp Gordon on the South Atlantic seaboard it proceeded to and visited in the early summer all the camps east of the Mississippi River, proceeding as far as Camp Dix in New Jersey, Camp Upton in New York, and Camp Devens in Massachusetts, thence to the camps in the Middle West, and ultimately to the camps in the Far West and on the Pacific Coast. Camp Lewis in Washington was visited

twice, Camp Kearny and Camp Fremont in California, Camp Pike in Arkansas, once each, and the camps in the Middle West and South many times. In each camp the objectors were brought before the Board of Inquiry singly or in small groups, depending upon the character of their objections, and subjected to searching cross-examination. The objector's military record from the date of his selection by the local draft board was submitted to the Board, and in most instances it had the benefit of his army medical and psychological examination." [1]

To the fundamental difficulty of finding any standards wherewith to measure and weigh the spirits of men were added certain specific limitations in the efficacy of the War Department's plans. The first was the matter of time to do the work properly. Although the Board worked diligently its members were obliged to hurry through examinations and even so were scarcely able to catch up with their task. At the time of the armistice there remained in camps and prisons considerable numbers of men who had not been examined by the Board, while other

[1] *Columbia University Quarterly*, October, 1919, p. 258.

men had been examined but were not assigned because of the slow working of the furlough system.

A second difficulty was in the system of classification imposed by the War Department. The Board divided men into no less than eleven groups according to the nature and extent of their objection and the kind of alternative or noncombatant service recommended for them. The main divisions were: Class I, "Sincere" objectors to noncombatant as well as combatant service who were eligible to furlough for relief or farm work; Class II, "Sincere" objectors to combatant service eligible to various specified forms of noncombatant service (over one thousand objectors had been granted noncombatant service without waiting for action by the Board); Class III, "Insincere" objectors delivered over to the tender mercies of the military. The use of the terms "sincere" and "insincere" was especially unfortunate. The "insincere"—the number of whom Major Kellogg puts at only 122—included not merely the handful of those whose good faith the Board doubted but men of acknowledged good faith who were called insincere be-

cause their objections were directed against this specific war. These men gave full proof of sincerity by enduring imprisonment and brutality which most of them might have escaped at some period of their stay in camp by accepting noncombatant service. If they had been recognized as sincere many of the objectors to this war and to conscription for it would have refused furloughs as did absolutist objectors to all war. They felt, however, that they were entitled to an acknowledgment of their sincerity. Once in prison the distinction between absolutists on political and religious grounds broke down. They all came to be regarded as conscientious objectors.

A third great weakness of the Department's plan was its treatment of the problems presented by the absolutists whose sincerity was acknowledged by the War Department. Even if one grants that the Department under the most liberal interpretation of the law had no option but to imprison these men, it might have tried them for their general refusal to admit the authority of the state over their consciences; instead the Department's plan turned them over to the military to be tried as disobedient soldiers.

These defects, combined with the opposition of many officers to any liberal treatment of objectors, went far toward counteracting the good that it was hoped would follow the War Department's developed programme. Life in the camps continued much as before; brutalities were of frequent occurrence. Secretary Baker and Assistant Secretary Keppel did not approve these brutalities, but their attitude toward objectors became more and more impatient. They had tried to be liberal; they had been criticized for it; now if objectors could not meet them halfway so much worse for the objectors.

What the men themselves thought of the Board of Inquiry is interestingly shown in the statements of some objectors:

"The Board of Inquiry," writes R. L. Newlin, "did not give over two minutes to my case. As soon as I said that I was a Friend, that was evidence enough for them. They concluded that I was sincere without going into the matter to see why I was a conscientious objector."

Maurice Hess gives the following judgment of his examiners: "I was interviewed by the Board of Inquiry three times, and was present

at Fort Riley, Aug. 25–27, 1918, when Major Kellogg interviewed a number of others, and there I had the opportunity to ask the Major several pointed questions. . . .

"Without question Judge Mack was the outstanding personality of the Board of Inquiry. It is my private and personal opinion that he was sincerely trying to do what he believed was his duty in the matter; his duty to the country as well as his duty to the objectors. While he may not have agreed with our position and viewpoint, he did not try to deny that we had a viewpoint. It was inevitable that the Board should make some mistakes in passing snap judgment on so many cases on the basis of information received in an interview of a few minutes. As far as I have observed, their most glaring errors of classification were in cases of those who, because of lack of education, or lack of experience in answering searching questions, could not promptly and fully express themselves, their position, and the reason for their position. . . . Those who were slow of speech were in danger of being classed as insincere. . . .

"Dean Stone took a less prominent part in the

questioning, and I believe his questions were more insinuating and less direct than those of Judge Mack. Major Stoddard was rather colorless, and usually asked only a few formal questions. At Fort Riley, Major Kellogg was alone. I was not called before him, but he addressed us before he began and after he finished the examinations. He was quite alert and aggressive, gave evidence of his legal training and temporarily assumed military manner, and appeared to be reasonably intelligent, but not brilliant. His book, 'The Conscientious Objector,' is interesting light reading, and shows him as an observer rather than a man with the power to analyze issues. . . ." (Letter of October 20, 1919.)

One of these men who were "slow of speech" gives a less favorable impression of the Board:

"The examining board arrived here (Camp Devens) Wednesday and interviewed us in the afternoon. The Quakers, etc., were examined in their groups, from ten to fifteen minutes to each group. From their reports they were accorded respectful and considerate treatment and to those who did not ask reconstruction work in France, civilian farm work was explained and offered.

The individual objectors, including socialist, were next examined, from ten to fifteen minutes being devoted to each.

"I cannot say that I was accorded much sympathy or given a chance to explain my convictions, as based on the New Testament and particularly the Sermon on the Mount. Rapid-fire questions were shot at me in the nature of a prosecuting attorney's cross-examination, and a direct answer demanded in most cases. The greatest stress was laid upon the fact that while I had withdrawn from the Catholic Church about eight years ago I had made no open manifestations to the world of my change in belief by joining any other church. . . .

"I was ridiculed more or less throughout the interview, and on leaving the room was told by one of the members of the Board (I do not know which one, but think it was the Major) that I would 'have to stand up and fight or be shot.' " [2]

This particular objector was declared insincere —mistakenly, as he proved by his steadfast endurance of prison punishment in preference to any form of military service.

[2] Joseph H. Quinn, June 22, 1918.

"Dean Stone," writes E. L. Meyer, in less critical vein, "was rubicund, smoothshaven, cheerful—a jovial good fellow in any other atmosphere, I thought. And keen! Startling questions (easily uttered because of frequent iterations, I believed) popped with disconcerting rapidity out of his mouth—several times leaving me gasping weakly like a fish and chasing my poor brains in a jog trot down a dusty, cloudy track. He had me in front of him, hat in hand, at attention with a confounded stenographer peering at my face with the watchfulness of a setter dog whenever my answers were slow in issuing. I wish I had a transcript of the testimony for when I emerged, I found I couldn't recall a third of the argument."

Under the circumstances it is surprising that cases where injustice was done were so few. When one considers how easily rattled honest and sincere men often become in academic examinations or on the witness stand, the plight of the conscientious objector summoned before the Board will be more readily understood.

The Board did its best to decide promptly what men should be furloughed. The War De-

partment was less prompt in providing suitable work, but a very considerable beginning had been made at alternative service between the appointment of the Board and the armistice. Of the ninety-nine men, not all Quakers, furloughed by the War Department and accepted for service in the Friends' Unit in France, there is not space to write. Their story was merged with the history of that fine service for mankind which, begun in war-time in the country of an ally, was extended after the armistice to those we had called enemies. In times of darkness it helped many hearts to keep some faith in God and man.

About 1200 men were furloughed to farms—usually in the vicinity of the camps. Men were never sent back to their own homes. The question of pay involved a difficult problem. On the one hand the furloughed objectors or other soldiers ought not to receive more money than men in active service. On the other—the soldier's pay, $30 a month—was below the prevailing wage and if paid by farmers would depress wage standards. The matter was solved by granting furloughed men the prevailing rate of pay with the understanding that all money in

excess of $30 a month was to be turned over to the Red Cross. The scheme had scarcely been perfected when the armistice was signed. It is understood that the War Department at that time was thinking of sending some men eligible for farm furlough to do farming in France.

Another plan that was discussed was the placing of farm furlough men upon government reservations under civilian control. Assignment to government projects for reclamation of land was still another expedient under consideration.

It was not wholly satisfactory to permit furloughed men to work on private farms. There was difficulty in getting farms on which work could be done properly. A few farmers were inclined to take advantage of the fact that the furloughed objector was not a free agent. But this difficulty was less serious than local ill-will against "slackers." How widespread this was it is not easy to say. The most definite protest came from Fulton County, Ohio, in the shape of a telegram to the commandant at Camp Sherman, signed by the chairman of the local draft board, by the executive committee of the "League of American Patriots" and by the

county agricultural agent, asserting that feeling over the return of conscientious objectors to work on farms was "militating against all war activities" and "was curiously affecting the morale of the registrants." "Most serious of all, there are strong indications of mob violence, and there are threats of others." For this reason the signers requested the return of the men to camp.

The War Department sent Captain R. J. Hough (who had made an excellent record in charge of conscientious objectors at Camp Sherman, Ohio), to adjust the matter. He interviewed the heads of the local Mennonite Church, investigated the cases of violence, and had before him some of the leading citizens of the community. He made it clear that "these men are soldiers of the United States army," furloughed for a definite service to an employer who actually has a contract with the government. He pointed out the distinct advantage of making use of Mennonites in some form of constructive service since they steadfastly refused to kill. Finally he let it be understood that the United States Government itself would act if its soldiers, whether furloughed or in uniform, were

molested. Apparently his visit was successful, for after finishing the work with the farmers to whom they had been furloughed, the men returned to camp without interference. Some farmers, however, who employed C. O.'s were boycotted by their neighbors.

In other parts of the country where no conscientious objectors were furloughed members of nonresistant sects suffered much more severe persecution from their neighbors, usually for refusal to subscribe their allotted quota to the Liberty Loans. On the whole it was but natural that farmers whose sons although sorely needed for farming were drafted for the army, should be jealous when other men's sons were furloughed for a "soft" job. It is fortunate that this feeling went no farther than it did. It might have decreased under the excellent influence of Prof. R. C. McRea of Columbia University whom the War Department made a kind of civilian commissioner under Secretary Keppel. It was his duty to see that the system of farm furloughs functioned smoothly, and in general to oil the machinery where any trouble threatened with either furloughed or other C. O.'s. He made a

good beginning at his work which ended soon after the armistice.

After the armistice furloughed men were discharged at the same time as the regiments to which they nominally belonged. Men in camps awaiting examination or assignment were also discharged without undue delay unless they had court-martial charges hanging over their heads.[3] Conscientious objectors when discharged from service were given a "blue ticket" (the honorable discharge being white and the dishonorable discharge yellow in color) certifying that: "This is a conscientious objector who has done no military duty whatsoever and who refused to wear a uniform."

If the record of furloughed men testifies to a measure of success in the War Department's plan there were cases of unrelieved failure. The most notable of these was the experience of men segregated during the summer of 1918 at Fort Riley and Camp Funston—the two training posts

[3] Fred Leighton, for instance, at Camp Grant was court-martialed on the technical charge of refusing to obey a military order to pare potatoes. This heinous offense was committed before the armistice, but, owing to a serious attack of influenza, he could not be tried until after the armistice. He was then sentenced to 20 years.

were adjacent—in the heart of Kansas. The nucleus of this unfortunate group was a number of objectors mostly, though not exclusively, from Camp Upton, to whom the Board of Inquiry wished to give a second examination, either further to test their sincerity or to try to persuade absolutists among them to reconsider their refusal to accept alternative service. First they were sent to the military post at Fort Leavenworth in Kansas. Here they ran their own mess under their own coöperative system without military orders. Reëxamination failed to shake the position of the absolutists or to induce men put by the Board in Class II to accept noncombatant service. The men expected court-martial as objectors. Instead they were suddenly sent to Fort Riley where they were soon joined by men awaiting even their first examination. The only apparent reason for sending them to this reservation was that it was blessed with a hay crop that some official thought these men might be intimidated or persuaded into gathering in.

In this camp, unprepared for the detention of objectors, were gathered objectors of almost every stripe—religious objectors, both members

of sects and idealists who had worked out their own creeds, and political objectors on internationalist grounds. Some were absolutists, some were waiting for farm furloughs, some were eating their hearts out for permission to join the Friends' Unit, some had never even seen the Board. They were all herded together as if the War Department had laid down no elaborate system of classification with appropriate treatment for each class. Many of them refused all blandishments or threats to accept work under military orders on the ground that this was the very point of their objection and that if they yielded an inch the officers would take an ell. Some of them agreed to work under certain conditions which they made known to the officers.

Finally the men were marched out into an open field under the hot Kansas sun, given tents, and ordered to put them up, and told that each man could apply for rations of raw food which he must cook for himself. No provisions were made for the proper cooking of food. There was a spigot from which a small stream of water trickled. There was no stove at all, and men had to walk half a mile to get supplies. Some

of the more eager spirits determined then and there that they would hunger strike in order to end this situation. They were willing to be court-martialed and sent to prison but not willing to be buffeted about from place to place, while officer after officer tried to break their wills. This time the hunger strike was carried to no great length, for a compromise was effected whereby most of the conscientious objectors agreed to run a mess of their own, provided they were expected to do no work under military orders and to feed only their own group.

The officer in charge of them hardly qualified in respect to "tact and discretion." So little did he know of the position of the men under him that at one time when asked to take a religious census of the objectors he called out, "Will all the Friends hold up their hands?" The Friends complied. "Now," said he, "will the Quakers hold up their hands?"

Conditions were bad. There were no proper sanitary facilities. The mess was not well organized or well equipped, and the differences of opinion as to just what each objector thought ought to be done were somtimes acute. Men

who thought it right to run their own mess not unreasonably said they would no longer cook for those who by refusal to cook wished to force the War Department to act. So it came to pass that on August 21 four absolutist objectors, Gray, Lunde, Moore, and Thomas, decided to bring matters to a head by inaugurating a hunger strike. They declared in a letter: "We are ready and eager to work for society as private citizens, nor do we desire to engage in propaganda work against the state, but to live useful, constructive lives in society." However, they insisted that they preferred to "starve rather than passively submit to an act which we believe to be opposed to the principles which we hold dearest in life." The rebel four were joined by others who took a less extreme stand and merely said they would not cook their own food. If the government insisted on keeping them, let the government feed them!

The hunger strike, especially on the part of the four, was carried out with determination and the strikers even won a sneaking measure of sympathy from some of the military who did not overly blame them for wanting to force the issue.

A kindly doctor watched the boys in their tents, and when he thought there was need had them transferred to the hospital. Those who were merely striking for better food promptly ate the hospital fare, but the four who were trying to bring matters to a climax still refused and were mechanically fed. The pressure upon them to abandon their extreme stand was great. Representatives of the War Department assured them that not only would conditions in the tent colony be improved, but the period of segregation would be ended and absolutists court-martialed. Under these circumstances the men ended their hunger strike some thirteen days after its inception.

While these events were taking place a group of men who had been classified as insincere by the Board of Inquiry were confined in the guardhouse first at Fort Riley and later at Camp Funston. Here the most systematic and longest continued brutality toward objectors took place.

After the men who had been hunger striking were sent to the hospital, conditions in the tent colony were somewhat improved. Major Kellogg who had succeeded Major Stoddard on the Board of Inquiry, made a special visit to Fort

Riley and urged the men to abandon their "unreasonable position." Moreover, he laid down the rule for conscientious objectors under which most of them were ultimately court-martialed:

"It is not the intention of the War Department to have any narrow construction of interpretation put upon the term 'surroundings' [which under the order of July 30 objectors were to keep clean]. This term should mean to include the limits of the military reservation upon which the conscientious objectors are quartered and *not* just the few feet immediately surrounding their tents or bunks. That when any conscientious objector is ordered to perform sanitary duties, like cutting grass, removing weeds, or other refuse surrounding their quarters, they will be expected to do same, and will not be excused from doing same."

Colonel Waterman, the commandant of Fort Riley, also made a final effort to persuade the conscientious objectors to abandon their position. According to the objectors he addressed them as follows:

"Here's an order from the President of the United States, stating that all conscientious ob-

jectors who will not take farm furlough must accept noncombatant service. Now he knows what's right and what's wrong, and if he says you should accept it, I don't see any reason why you should not. The trouble with you fellows is that you think too much. That's a mistake. Let the President do your thinking for you, that's what he's President for. Now I will give you men twenty-four hours to think it over and will return tomorrow for your final reply."

By about the middle of September the military authorities took steps to enforce these orders. First, shortly after his discharge from the hospital they put Evan Thomas in the guardhouse, charged under the Articles of War with disobeying a legitimate military command in that while on hunger strike he refused to eat when ordered to do so. Next morning they lined up the other objectors and ordered a squad of them to take shovels and load some empty tin cans into a cart. Those who refused were promptly put under arrest. Now the tin cans were within the boundaries of the tent colony which some objectors were willing to keep tidy. These objectors

worked as long as they were not required to set foot outside the line.

Nothing daunted, the bold commander kept right on until at last he won the bloodless battle of Fort Riley. Every objector was finally forced into the position of a disobedient soldier subject to court-martial. The criminals included men who originally were quite willing to accept farm furlough or even possibly noncombatant service of a certain sort. They were all held for court-martial. These courts-martial in perfunctory fashion sent the men to the Fort Leavenworth Military Prison, officially called the Disciplinary Barracks. Before we follow them there it may be well to pause for a somewhat fuller account of the life of the objector in camps than has hitherto been possible.

VIII

LIFE IN CAMPS

WHAT happened to a man who went upon receiving his summons to a military camp and then declared his unwillingness to accept military service? The question permits no answer that would apply to all objectors. Much depended on the camp, the particular officer in charge, and the objector himself. In some camps a member of a religious sect exempt under the terms of the law received consideration denied to objectors who made no such claim; in other camps no discrimination was made. In most camps imperfect command of English, idiosyncracies of person, dress or manner invited a rough and often a cruel hazing. In almost all camps the objector who was willing to accept noncombatant service was able to get it even before definite orders on the subject had been issued. In the smaller camps and army posts the occasional ob-

jector was likely to have a harder time than men in the larger cantonments.

Conditions for objectors were probably best in Camps Upton, Sherman and Custer, partly because of the character of the officers in charge, partly—at least in the case of Upton—because the segregated objectors from the beginning refused to do any work under military orders. They themselves took care of their own barracks, and that was all. This policy, though it was opposed to the general trend of War Department orders, reduced friction by eliminating endless discussion as to just what orders this or that man could conscientiously obey.

Camp Grant was perhaps the worst of the large cantonments. In it the spirit and even the letter of War Department orders were disregarded. The officers in immediate charge as late as the summer of 1918, when the policy of the War Department had been made clear, held men of such obvious sincerity as Clark Getts and Frederick Leighton for weeks as prisoners in guardhouses although they were entitled to all the benefits of segregation in barracks. Conditions in the guardhouses were very bad. The

spiritual arm zealously backed the military, Chaplain John Timothy Stone, a prominent Presbyterian minister, and the Y. M. C. A. secretaries being ardent advocates of the religion of the state in the name of Jesus.

But in spite of these differences, certain general features of life in barracks were more or less common to all camps. The man who survived his first few days in "casual barracks" and succeeded in persuading the officer in charge to send him to join the other objectors found himself in wooden barracks or tents like the other soldiers. But unlike the soldiers he and his comrades did no drill and wore no uniforms. Time dragged; work in the barracks was soon done; discussion grew monotonous; books were eagerly sought, and often educational classes were formed. Naturally there was a good deal of debate among the conscientious objectors themselves as well as with the officers. At Fort Riley one tent was placarded: "Wranglers; specialists in demands, counterdemands and arguments. Open all night." It is a tribute to the good nature of the majority of the objectors that in the unnatural atmosphere of comparative idle-

ness, nervous tension and inevitable introspection, their life together was so harmonious. Argumentative Jewish socialists and equally argumentative religious sectarians made queer but not hostile bedfellows.

Here are two curious—and fortunately unique—specimens of religious dialectic: W. A. Dunham writes: "After a brief exchange of religious views, a thin-looking fellow next to me informed me, 'My dear friend, you're just a poor lost sinner on the way to hell. A college education won't save you and your best works are but filthy rags. Your religion is "doomed" while mine is "done." ' "

And Ernest Meyer tells of a conversation between some sectarians: "Said one of the boys casually yesterday to another:

" 'How tall are you?'

" 'Just six feet,' replied the second rather proudly.

" 'No—you can't be,' exclaimed the first with the deepest conviction. 'You *may* be just a bit under or just a bit over six feet—but you *can't* be six feet *exactly*. There's only one person in the world who is.'

"A group immediately gathered around the disputants—all eager to listen to new theological argumentation.

" 'Well, who *is* just six feet?'

" 'That,' said the lawgiver with emphasis, 'is the Lord God. And there ain't nobody else.'

"There was a buzz of comment, and the lawgiver, in his element, quoted sources and made calculations, until the majority of his audience wagged their heads perpendicularly instead of horizontally."

But most argumentation was saved for officers, Y. M. C. A. secretaries and chaplains who sought to convince the objectors of the righteousness of war. In such debates men grew weary discussing how far they would or wouldn't go in protecting their grandmothers, what effect they thought passive resistance would have on the Kaiser, how men could oppose conscription and still have a love of country, why Jesus would not fight. They had also to argue pettier problems of the daily relation of men to a system which surrounded them and had physical power over them and yet could not command their loyalty.

In these discussions the humor and persistence of some of the Negro objectors stands out in their comrades' memory. At Camp Upton a devoutly religious colored brother was interviewed by a number of psychiatrists who tried to combat his conviction against war. The argument ran somewhat thus: MAJOR ROSSANOFF—"Collier, were you ever tempted by the devil?" COLLIER —"Yees, sah, just like yoh all is temptin' me now." Another Negro used to walk up to the officers one after the other, put his arm familiarly on their shoulders and say: "Now, look here, brother, how do you suppose the good Lord Jesus feels when he sees you gettin' ready to fight with yo' brothers? Repent, brother, repent, before it's too late." One of the objectors adds: "He was so sincere and so pleasant that he used to get everybody's goat."

Relations with officers, noncommissioned officers, and privates were by no means always unpleasant. Clark Getts writes that guards and other soldiers were usually sympathetic when not influenced and frightened into abuse by officers. He continues:

"My sentries were often apologetic about their

support of the war, or indifferent, saying that the thing was inevitable and they were willing to leave it to Wilson, who must have the facts. Many confided to me their desire to make an open protest and vowed that in the next war they would not temporize but would follow the course of objectors in this war. In prison many of the sentries were our best friends, and they smuggled no end of tobacco and sweets to us and were generous about mailing letters and bringing in *Liberators*. The last groups who came from France and were awaiting discharge were as impatient with the military as we were."

Some conscientious objectors have testified that both at camp and later in prison it was necessary to change guards frequently to prevent their becoming too friendly to the conscientious objector's point of view. Since demobilization former guards have told of their good opinion of conscientious objectors, and in at least one case a sergeant of the guard wrote to the War Department in behalf of his erstwhile prisoners. One conscientious objector after the war had the amusing experience of welcoming a former guard into a labor union of which he was then the

secretary. He and the guard reminisced at length and with friendliness concerning prisoners and sentries whom they had known.

Occasionally higher officers showed themselves genuinely considerate of the extreme scruples of certain objectors. In one instance the camp commandant spent almost half an hour trying to persuade an uncompromising vegetarian objector to eat. He offered to have the cook bake him a special loaf of bread on a board so that he could be sure that not even the pan was greased with lard, but still the objector refused. Later the commandant allowed him to have special food sent him by members of the particular cult to which he belonged. In another case an objector, a man of fine character, much liked by his comrades, refused absolutely to wear clothing made from wool. His position was that it was wrong to kill animals or to take their products for human use. The supply sergeant took pains to see that the objector was given cotton blankets.

Particularly cordial relations were established between the objectors and a supply sergeant at Camp Jackson. He was an I. W. W. who saw no use himself in a gesture of defiance to a war

he disliked, but respected those who did. He declared that he had told the officers his stand and that they preferred him in America rather than in France! At most camps there was a curious and irrational oscillation between stern treatment and even brutality and great leniency. In part this was due to the intermittent intervention of the War Department in behalf of the objectors. Committees of religious bodies as well as the Civil Liberties Bureau were channels of information about brutality in camps and of pressure for its redress. Nevertheless, variations in the temper of the officers themselves were also reflected in the treatment of objectors. The latter were often encouraged to go off with a lieutenant or noncommissioned officer on hikes. Sometimes they were permitted to go out of camp limits by themselves, but never tried to escape. Even at Fort Riley, bad as conditions were, discipline was not always strict. William Jasmagy had a small portable organ in his tent and sometimes the lieutenant in charge would join in singing. It was at Riley that some poet manufactured the "Objector's Anthem." One verse ran thus:

We're Livin' the Life of Riley Here at Riley

We are a jolly lot of C. O.'s
Never have to worry how the wind blows.
We have traveled through this land immense,
It didn't cost us anything, 'twas Government expense.
And then we landed in this pleasant home.
For twenty years we'll never have to roam.

At the same camp amateur artists as well as poets did their share by cartoons of current events to keep up the spirit of men waiting for what they thought was inevitable court-martial.

A good illustration of the lightning changes from severity to leniency and back again was the experience of some objectors on arrival at Camp Jackson. They had been sent there from a distant camp unhandcuffed and unguarded. They were met at camp by a guard formidable enough to overawe desperate criminals and assigned to tents from which they were ordered not to stir. Guards patrolled the company street. Shortly a torrential rain began; one by one the guards left until only an old regular soldier was left. Finally he, too, retired and the objectors whose tents had been hastily put up and leaked steady streams also scattered to find shelter. Stern punishment did not follow for any one.

Even when relations between objectors and officers were most strained a certain degree of sympathy must go to the officers. What was a matter of principle to some objectors looked to the officers like sheer rudeness. The mischief of the situation in camps lay less with the individual officers than with the folly of quartering the objectors among soldiers. No wonder officers fearing the contagion of indiscipline resorted to strange measures.

At Camp Devens for a time the objectors' quarters were placarded with a contagious disease sign. In other camps stories that the objectors were unclean were spread abroad both among soldiers and visitors. The author remembers walking with some objectors he was allowed to visit. A guard was in the group. As we passed a company baseball game a spectator sang out to the guard: "Hey, Jim, are those C. O.'s?" "Yes," said the guard. "I thought so," was the reply, "I could smell them here." As a matter of fact the objectors' barracks in that camp were particularly clean. Stories like this seem in the telling quite inconsequential, yet to men with imagination or sensitiveness—and most objectors

did not lack these qualities—the isolation and the petty indignity of the objector's life was a burden heavy to bear. Some objectors welcomed the rigors of prison by contrast with the months in camp.

The life made the objectors "anti-social and egoistic" in the eyes of many officers, yet even Major Kellogg testifies: "The conduct of the majority of the objectors cannot be seriously criticized. They realized that the administration had endeavored to be fair with them and they, in their turn, tried to be fair with the administration. Although they refused to work, they seemed desirous of avoiding any action which would embarrass the camp authorities." [1]

Major Kellogg somewhat spoils the effect of this testimony by repeating stories discreditable to the intelligence, if not to the character of the objectors—stories told him by various officers whose names are not mentioned. Of the origin of these stories we can find no trace.

Perhaps the most serious charge is that the conscientious objectors in the camps were so indifferent to their fellowmen that they would not

[1] "The Conscientious Objector," p. 83

even help in the influenza epidemic. If this ever happened in a particular camp, it can be said that it was far from being typical of the attitude of the conscientious objectors. They desired to show their willingness as volunteers to assist in caring for the sick. Some groups asked the Civil Liberties Bureau to try to persuade the War Department to grant them permission to nurse during the influenza epidemic. But owing to the difficulties of military routine and machinery their requests were not acted upon. One man, Howard Moore, "while a patient in the base hospital at Fort Riley during the influenza epidemic, volunteered his services to the captain in charge of the ward, and when he became stronger took over the entire work of the ward master, who in the meantime had fallen ill. For three weeks he worked night and day for the relief of other men, but then had to return to the guardhouse, because, while he was eager to serve individuals in the hospital, he would not become a regular soldier in the medical corps and thus subscribe to a military conscription act he did not believe in." [2]

[2] Evan Thomas, in *The Survey* for February 1, 1919.

The good will of the captain still followed him and thanks to his recommendation Moore received a five-year sentence at the hands of the court-martial, the lowest sentence imposed on any objector at Fort Riley.

A similar spirit of service was shown by a group of conscientious objectors at Fort Lewis, Washington. While waiting for the farm furloughs to which they had been certified by the Board of Inquiry they heard that dangerous forest fires had broken out in the Cascade Mountains. Volunteers were asked for from the conscientious objector company. Thirty stepped forward and were sent to the scene of the fire where they spent the next six weeks.

The most dramatic instance of brotherly and self-sacrificial action on the part of a conscientious objector is to be found in the story of Richard Stierheim. Strictly speaking it does not belong in this chapter, yet it completes the case for the social point of view of the objector. We give it in Dean Stone's words:

"Richard L. Stierheim was drafted and sent over-seas before the government had provided any means of relief for the conscientious objec-

tor.[3] In France he refused to perform military service and deserted. He was tried by court-martial, convicted, and sentenced to death. While awaiting execution of sentence, on November 3, 1918, as reported by the commanding general, he volunteered to go out into No Man's Land at the imminent peril of his life to rescue the wounded. He rescued six wounded men, unassisted, under machine-gun fire. He then volunteered to go into No Man's Land to bury the dead, and for nine successive days he continued to render service of this character, exposing himself unhesitatingly to imminent peril of death in the aid and succor of wounded men. General Pershing forwarded his record to the Judge Advocate General with the recommendation that his sentence be remitted and that he be assigned to duty in the noncombatant service. Under like conditions many another objector would have proved himself of similar mettle." [4]

[3] So far as is known his was the only case of this sort.
[4] *Columbia University Quarterly*, October, 1919.

IX

BRUTALITIES

ANY one who sets out to tell the story of the conscientious objectors must be puzzled to know what to say about brutalities. Sometimes as one reads the mass of letters about them one is inclined to cry them aloud from the house tops; sometimes one is inclined to pass the matter over with Assistant Secretary Keppel's admission that objectors received some "pretty rough treatment." [1] It is a question whether the publication of a tithe of the stories of persecution which came to friends of the objectors would serve a useful purpose. The world, alas, is full of tales of atrocities, and there is a point beyond which multiplication of evidence of man's inhumanity to man benumbs rather than arouses pity. The conscientious objectors themselves would not want their case to be judged simply from the

[1] Statement concerning conscientious objectors. *op. cit.*

standpoint of the sufferings they were content to endure in the spirit with which their brothers, the soldiers, endured greater sufferings on the battlefield.

Yet something must be said on this subject for the sake of a true record of events. The rough treatment which Mr. Keppel admits, according to reports from objectors, included confinement in unsanitary guardhouses—sometimes in unheated cells during winter months, without blankets; and long hours of standing at attention, in bitter cold or in blinding heat. Men were forcibly clad in uniform, beaten, pricked or stabbed with bayonets, jerked about with ropes round their necks, threatened with summary execution, tortured by various forms of the "water cure." In at least two cases men were immersed in the filth of latrines, one of them head downward.

In several cases guards dug their thumbs into the eyes of objectors in order by this form of exquisite torture to make them put on the uniform or obey a military command. Some objectors were permanently injured. One man, a Quaker, of unusually fine type, still suffers from a broken

eardrum as the result of a beating administered to him by direct order of a lieutenant in command of objectors at Camp Meade. Stabler (the objector), true to his principles, offered no resistance and refused even to divulge the name of the officer who had injured him and who consequently was saved from prosecution. Nevertheless, the effective representation made in his behalf to the War Department by the Friends' Service Committee ended one period of brutality at Camp Meade.

One sensitive young idealist, Ernest Geliert, committed suicide in camp as a result of the persecutions he endured—persecutions in themselves lighter than many other objectors endured. Alone, shut off from other objectors or from friends, after being court-martialed and sentenced, he conceived the idea that his death might call attention to the plight of objectors and make easier the lot of those who might come after him. He shot himself with an army rifle. Beside his body was this note:

I fear I have not succeeded in convincing the authorities of the sincerity of my scruples against participation in the war. I feel that only by my death shall I be

able to save others from the mental tortures I have gone through. If I succeed I give my life willingly.

The diary which he left reveals a sweet and beautiful spirit. Gellert was eager to be of service. He desired to be sent into Hungary (he spoke Hungarian) in an effort to persuade the Hungarians to refuse to carry the war into Russia at the time of the German advance. He harbored no ill-will against individual officers or guards. At one time he wrote: "When higher officers deemed it necessary to make me suffer, I found every one around me ready to alleviate my hardships."

From Camp Grant was reported the case of John Kos, who at one time had sixty flesh wounds as a result of inhuman treatment. He was a Russian citizen who should not have been drafted—one of a large group who suffered peculiar ill-treatment because they were foreigners and had no friends. Not many of them could state their case effectively in English. They were not all conscientious objectors. Indeed, most of the experiences of conscientious objectors can be paralleled by cases of the maltreatment of ordinary military prisoners, though it was

less frequently that the latter were so persecuted. At one time in Camp Meade, where conditions were often good, officers and guards instigated ordinary military prisoners to hold "Kangaroo Court" over the objectors then confined in the guardhouse. The sentences of this wholly irregular tribunal involved some exceedingly "rough treatment."

Usually the spirit of the objectors was strong, courageous and free from personal hate. Among both religious and socialist objectors there was a good deal of the martyr's enthusiasm at being deemed worthy to suffer for their cause. Duane Swift's letters to his father from the Camp Pike guardhouse reveal this spirit and give incidentally a shocking description of guardhouse conditions:

"Saturday noon when they brought me over here, they put me in heavy iron shackles—that is, half-inch iron rings with rough joints that lacerate the ankles a good bit. These are locked by heavy locks and my feet then connected by sixteen inches of heavy chain, ten links. As you know from my other letter I have had numerous easy chances to escape. . . . In fact, two men

offered to help me escape and I refused. On top of this I have worked hard to show the officers my willingness. The Captain even offered to sign any recommendation or petition that might be raised, and said he wished he could keep me with him—I was the best worker he had. (This is Captain Haney, Depot Brigade, Camp Pike, a twenty-year service man.) So they knew from my record that I did not intend to escape. The irons have undoubtedly been put on me for punishment and that alone. Yesterday afternoon I worked with a shovel and pick in the ditch with these hobbles on, but today they made it worse. They put me to carrying stones, from 5 to 150 pounds weight, about 50 yards and across a creek bed, with these irons on and my step shortened to about sixteen or twenty inches. Tonight my ankles are bruised and sore, but I lasted it out fine. They will never know where I get my strength, but it comes, and that freely. They think they can break me, but the more they lay on me the stronger that inner man gets and the happier I become. I have been happy, singing, whistling, and praying all day. I thought of Christ and his trip to Golgotha as I toiled. . . .

"We are in a room about 18 x 30 feet and the ceiling so low a tall man could touch it. Ten small windows with iron mesh, barb wire and screening cover them, and from 50 to 56 and 60 of us in here. Just imagine Saturday afternoon and all day Sunday in this place with the temperature about 100 outside. The BLACK HOLE OF CALCUTTA HAD NOTHING ON THIS. Besides all the white and Negro prisoners—about 90—40 or 50 guards have to use a latrine about the size of our woodhouse. Many Negroes have syphilis. All of us use this little latrine for washing, bathing, etc. It is terrible to see such filth and poor precautions. My mail is all opened and everything taken away but towel, toothbrush, and clothes I have on and cup, comb, spoon and tin plate. All the rest of my things are locked up. We eat out on the ground, but of course that amounts to nothing. The whole thing is an outrage on Arkansas. . . ." [2]

Another vivid picture of the attitude as well as the experiences of objectors is to be found in the story of the Molokans. It will be recalled

[2] Letter from Duane Swift to his father, August 6, 1918.

that they felt compelled to refuse to register because of the direct command of the Holy Spirit. In consequence thirty-four of them were sentenced to jail. We quote from the diary of one of the objectors who came to love these Russians at Fort Riley:

"Being vegetarians they could not eat the food given them and for three days they lived without food of any kind. After that they received raw rations which they prepared themselves. After four months' stay in prison they went through a seven-day religious fast. About January 5 they were asked to fill out questionnaires. All but these six complied. The other 28 men were immediately released. After they had served ten months they were taken to Ft. Huachuca, Arizona. Here they continued to prepare their own food on government rations. They refused both non-combatant service and farm furloughs. At one time they were ordered out for reveille and they refused. They were carried out bodily and placed in line. Their attempts to leave the ranks were frustrated. They therefore threw themselves upon the ground and the soldiers

turned the fire hose upon them, but to no avail. For two hours this treatment continued, but yet they refused to move. Finally soldiers carried them into the guardhouse. Here some official asserted to them that it was dishonest for them to accept food and do no work in return. This accusation roused their indignation and they henceforth absolutely refused nourishment.

"They were then told to prepare for transfer to Leavenworth or Ft. Riley. Being too weak to walk they were carried to the train. No rations were sent with them. At train stops they procured some tomatoes or some other fruit such as their little funds would permit. This was all the food they had had for forty-eight hours. At present they still refuse government rations but live on the most scanty supplies which, they buy with their limited funds."

But better than the description of another is a copy of a letter which Ivan Sussoff, forced to write English by command of the officer in charge of objectors, sent to his wife:

"God bless me so that I shall be able to write this letter to my dear family, to my dear wife

Mary, and our sweet children, Vasia and Nura. I wish you the best in this world, and in the future world in heaven.

"Now I will describe to you what we lived through. August 2, 1918, an officer came to us at Fort Huachuca and said, 'You must become soldiers.' We answered that we should not become soldiers. Then he said, 'We will force you to.' We answered, 'Force is with you.'

"The next day as usual the horn blew to go out to drill. We did not go out. Suddenly the officer with a few others rushed in and roughly ordered us to go out to drill. We said we would not go because our religion forbids it. After a long argument the officer left us and we went to prepare our breakfasts. After breakfast they did not let us go back. They took us over to the soldiers who were ordered by the officers to force us to drill. Every four soldiers took a hold of every one of us. First they took F. V. K. and put him in the row, but he would not stand in the row. Then they took me in the same way and as I resisted they took me on their arms and put me in the row. I lifted my arms to God and prayed him to help me, and then I fell to the

ground. They lifted me up again. There were more than four hundred soldiers and also many officers. I told them: 'Listen citizens! If you want to do something to us, do it right here. Don't torture us.' And I prayed to God again. Then they took Noisy the same way. He also resisted, fell on the ground and prayed. Then they did the same with Fedor, who fell on the ground as a dead man, and the same they did with Jacob.

"The officer ordered them to lift us up, but the soldiers could not. Then the officer sent for the colonel. The colonel came soon and asked which of us spoke English best. They pointed at Kulikov, who was lying near me. When Kulikov was ordered to get up, he did not move, and the colonel ordered us to lift him up. 'You have hands, do it yourself.' They started to threaten us that they would not give us any bread, but we did not care and said that we would not eat their bread. Then the colonel ordered to bring the fire hose. The spirit of God supported us, and we were ready even to be shot down. Finally the colonel ordered us to go back to prison. 'We did not come here and we will

not go anywhere,' we said. When they found out that none of us would obey their orders, they commanded to turn on the water and put the fire hose against our faces. After being tortured like that for two hours, half dead we were dragged back to prison where we thanked God for his mercy.

"Shortly after that, a soldier came back and told us to prepare our meal, but we refused to eat and did not eat for eight days. At last the doctors came and told us we were going to Fort Riley. As we could not move, many soldiers packed up our things and put us on wagons which carried us to the station. There they took us off and we were lying on the floor waiting for two hours for the next day. Now I am in the hospital and the others are in prison. They are forbidden to write in Russian. You write in English so that we will get your letters.

"Good-by, my dears. Pray God to give me strength to stand all the pains of my soul and body.

"I will write more about what happened on the way. When we got here they began to torture us again. They dragged me like an animal with

rope around my neck. That peeled the skin off my neck. They shaved my head, they cut my ears. They put a sabre to my neck. They tore my shirt in pieces and wanted me to put on a uniform. They threw me into an ice-cold bath. I did not count how many times they beat me. Once in one of those ice-cold baths I fainted and they took me out and tortured me again. They pulled the hairs off my feet like feathers. I was motionless. I only prayed to God to take me away from this world full of horrors.

"My hope and belief in God saved me.

"Now I am preparing my meals, but I feel very ill.

"—Ivan Sussoff, Fort Riley, Kansas."

Some of the worst brutalities occurred in the last months of the war when there was no longer the excuse of the confusion of establishing new camps and the difficulty of installing proper machinery for dealing with objectors. And the War Department was slower in ending them. Nowhere was the breakdown of the Department's policy more perfectly exemplified than in the brutalities at Fort Riley and Camp Funston, to

which we have already referred. Camp Funston was commanded by Major-General Leonard Wood. Fort Riley was also under his supervision. In other camps men were often brutally treated for a few days before relief was given. At Camp Grant objectors were held for weeks in the guardhouse, but not even there did officers make such a systematic attempt to break the will of their prisoners as at Camp Funston. The diary of the conscientious objectors there, which received some publicity, shows a record of continuous persecution from September 5 to October 21, 1918. To understand the situation at Funston, however, we must go back to Fort Riley.

Among the heterogeneous group of objectors at Fort Riley were seven men who, having been placed by the Board of Inquiry in Classes II and III (that is to say, who were ordered to take either combatant or noncombatant service), proved the sincerity of their objection to all military service by choosing imprisonment rather than obedience. All these men were put in the Fort Riley guardhouse. The place of their confinement was in a cage in a basement with improper ventilation and inadequate sanitary pro-

visions. In consequence of these conditions they refused even to clean their cage and were put in solitary confinement. The diary of one of them records the next step in the effort to break their wills:

"On Sunday morning, August 25, 1918, about nine o'clock the prison sergeant and a lieutenant, the 'officer of the day,' came to the solitaries and took three of our seven men (namely, Herman Kaplan and Benjamin Breger and Francis Hennessey), one at a time, into the corridor; a hemp rope slung over the railing of the upper tier was put about their necks, hoisting them off their feet until they were at the point of collapse. Meanwhile the officers punched them on their ankles and shins. They were then lowered and the rope was tied to their arms, and again they were hoisted off their feet. This time a garden hose was played on their faces with the nozzle about six inches from them, until they collapsed completely, when they were carried and dumped screaming and moaning into the cage and dumped into bed. The next day the officers were transferred with their company to another post." [3]

[3] Charles Larsen, December 6, 1918.

This outrage was given some publicity by Miss Lottie Fischbein, the fiancée of one of the victims. She herself, Elsie Knepper, Freda Ledermann and Alice Navard went out to Junction City—the town nearest Fort Riley—where some of them found work, in order that they might be near to their betrothed and report on their treatment. Mrs. Brandon also went out to be near her husband. A painful feature of the Fort Riley experience was the insulting treatment accorded these girls by certain officers. Other officers, however, showed real kindness to the friends of objectors. Two of the lovers were allowed to marry in camp.

About September 5, the seven "insincere" men, whose courage had stood these tests, were transferred from the guardhouse at Fort Riley to the guardhouse at Camp Funston. On September 27 eight other objectors from Fort Riley, not classed as insincere were sent to Camp Funston; three were added to the number on September 20, and one was transferred on October 8.

The record of their experience is substantiated not only by their own testimony, but by the ad-

mission of the War Department.[4] Their account, attested by eighteen signatures, is too long to be published in full, but from the daily record of persecutions we quote certain paragraphs.[5]

"Saturday, Sept. 7th.

"We were ordered to fold our arms and stand at 'attention,' by the 'officer of the day,' Capt. Buckley. Failing to comply with this order he proceeded to abuse and insult us, referring to those of Jewish birth as 'damn kikes,' etc. He then had our beds and blankets taken from us, and ordered that we be given raw rations—pork and beans—which we were to cook in the latrine, if we wanted to eat. He suggested to the prisoners that they beat us up. We had no supper and slept on the bare floor in our clothes.

"Sunday, Oct. 6th.

"In the afternoon, Sandin collapsed while taking his second cold shower of the day. We explained to the

[4] See New York *World*, December 22, 1918: "The report of the Inspector General indicates that orders of the War Department with regard to punishment of refractory conscientious objectors were ignored at Camp Funston. . . . It is shown by the report that men were compelled to take as many as four cold baths a day."

[5] Published as "Report of Treatment of Conscientious Objectors at the Camp Funston Guardhouse." It was signed by

Morris Franklin	Meyer Bernstein	David Eichel
Thomas Shotkin	Henry Monsky	Julius P. Greenberg
Herman Kaplan	Max Sandin	Chas. P. Larsen
Lester G. Ott	Emanuel Silver	Francis Steiner
Joseph Brandon	Benjamin Breger	Francis X. Henessey
Ulysses Da Rosa	Rexford Powell	John Downey

doctor, who called, the nature of the treatment we had been receiving lately. We also informed him that we were being underfed.

"The Captain, who was 'officer of the day,' ordered that we be deprived of supper because we did not stand at 'attention' at roll-call.

"At midnight we were suddenly and unexpectedly aroused by the sergeant of the guards and ordered to take a cold shower. It was obvious that this was an unreasonable and vicious imposition, and most of us refused to get up. We were then violently dragged into the shower room and held underneath the spray, night clothes and all, until thoroughly exhausted. Kaplan, Breger, Block, Powell, Franklin, Eichel, Downey, Steiner and Da Rosa were so treated. The 'officer of the day' was present and directed the proceedings."

"Monday, Oct. 7th.

"Another cold shower was administered to us in the afternoon. At 8 P. M. the 'officer of the day,' a captain, and the sergeant of the guards ordered all to undress in the squadron and prepare for a cold shower, the third that day. We were marched to the latrine in a body. The Captain himself brought forth scrub brushes, used ordinarily for cleaning toilet seats, and brooms used for sweeping, and ordered that we scrub each other with them. Franklin refused to use the filthy brush. He was seized and roughly thrown to the cement floor, dragged back and forth and viciously belabored until thoroughly exhausted. He was then placed under the cold spray and left there until he collapsed. Eichel and Shotkin helped him back to his bed. When he recovered he became hysterical."

This sort of treatment or variations of it continued to October 21. During all this while the men were kept incommunicado.

It is impossible to resist the conclusion that these men suffered in large part because of the attitude of General Wood and the War Department's fear of him. This is not to say that General Wood knew and approved everything that was done to objectors. To an acquaintance who wrote urging humane treatment on objectors he replied condoning or justifying their treatment at the very time these events were transpiring. The General distinguished between "real conscientious objectors" who have accepted and are doing "noncombatant work" and the "vicious group" or "frauds" who "refuse all kinds of service even noncombatant." These he said are "all of the alien type"—whatever that may mean —and by inference deserved no pity.

But if conditions at Camp Funston reflected particular discredit upon General Wood, the War Department can by no means escape blame. It was slow in investigating and slow in righting wrong. After an official investigation finally

confirmed most of the charges of the objectors, Secretary Baker took no vigorous action to enforce respect for his own orders. Only a few officers originally were singled out for discipline. To quote a statement in the New York *World* for December 22, 1918:

> The officer of the Inspector General's Department who investigated complaints recommended that Majors Taussig and White, and three regular army officers, Capts. Joseph E. Young, R. W. Whitman, and S. H. Negrotte, be summarily dismissed.
>
> Friends of Taussig and White immediately interceded for them, and instead of dismissing them summarily and leaving a stain on their names, Secretary of the War Baker censured them for neglect of duty in this matter and granted them honorable discharge.
>
> Secretary Baker said today, in reply to questions, that the three regular army officers would be disciplined through the usual military channels.

The three regular army officers seem to have escaped punishment or rebuke, and as a result of this wobbly policy Messrs. Taussig and White were able to gain popularity among members of the American Legion as persecuted victims of the "mollycoddle and pacifist," Newton D. Baker.

Ex-soldiers, if they think of conscientious objectors at all, are inclined to think of them as

cowards. That is the orthodox view and most of the service men never saw real objectors. The way in which these "cowards" endured the treatment we have described might have changed their opinion. It did certainly win the respect of many soldiers who witnessed it. Over and over again we come across such testimony as this, quoted from the diary of an objector: "I was considerably surprised one day when, after I had told a red-headed University of Kansas man that I was a conscientious objector, he replied, 'Well, doggone it, I was going to be one, too, but I lost my nerve.'" It is a psychological fact that for the average man it took more courage to face guardhouse and imprisonment alone than to endure with his comrades the greater sufferings of the battlefield.

A study of evidence as to brutality emphasizes once more an old conclusion—the difficulty of humanizing the military machine. It is only in armies and in prisons that men are given absolute power over their fellows. Few men are fit for such power. Many an officer, commissioned and noncommissioned, yielded to a lust for cruelty of whose existence he himself might not have been

aware in the routine of civil life. It was easier for these men to yield to the resurgence of half-submerged instincts of brutality, because they had the protection of the uniform and could cloak their cruelty even in their own eyes by high-sounding words about the necessity of maintaining discipline in time of national crisis. It was easier, too, because at a time when the herd instinct was rampant the victims of persecution were "different." Often times they were foreigners—not necessarily conscientious objectors—or "queer" folk outside the pale of the tribe within which justice and humanity were confined.

X

COURTS-MARTIAL

In spite of what men endured in camp and civil prisons those who bore the brunt of the struggle for freedom of conscience and who brought the fundamental issue most clearly to light were the men—less than an eighth of the whole number—who experienced the sufferings of the great military prisons.

The path to the prison led through the courts-martial. Thanks to the self-sacrificing work of General S. T. Ansell, former Judge Advocate-General, and the investigations of a committee of the American Bar Association, a good deal of light has been thrown upon the injustices of our court-martial procedure in the Great War and some minor reforms have been made in it. During the war the courts-martial existed less to do justice than to preserve discipline. Men guilty of minor offenses, tried before courts composed

only of officers, received terrific sentences which admit only two explanations: Either the courts were trying to scare men by imposing punishments they were sure that the reviewing authorities would modify, or our young officers were drunk with militarism. Under these circumstances it was not to be expected that conscientious objectors would get other than short shrift before courts-martial.

Courts-martial of objectors fell naturally into two classes. The first class included cases up to the appointment of the Board of Inquiry. Many of these courts-martial were contrary not only to the spirit but even to the letter of War Department orders. In some of the more extreme cases their decisions were set aside by the Secretary of War. For instance, a New Jersey man, Rudolph Vrana, actually sentenced to death by court-martial, later had the happy fortune to be paroled for farm work. On the other hand, the sentence of at least one man was set aside by the reviewing authorities, apparently so that he would be retried and given a heavier penalty. The War Department usually was dilatory in reviewing these cases, with the result that a large

number of objectors served many months in prison before their sentences were set aside or modified.

The second class of objectors were those sentenced in accordance with the policy of the War Department. These included: (1) those whose objection was to this war rather than to war in general; (2) those who for other reasons had been considered insincere by the Board of Inquiry and therefore had been ordered to take noncombatant work, which they refused; (3) those absolutists who persisted in their determination to refuse farm furlough or any other service; and (4) a few who originally might have taken farm furlough, or some other service, but felt compelled to disobey some order during the long wait at Fort Riley.

Conscientious objectors were always tried for disobedience to specific orders, not for conscientious objection, but the courts well knew that they were not dealing with cases of disobedience by regular soldiers. Court-martial for disobedience under the 64th and 65th Articles of War was often on purely technical grounds. L. G. Gergots, for instance, was so court-martialed when he

refused to sign papers essential to his mustering in—pay roll, assignment to company, insurance, etc. Yet to sign these papers would have been, in his eyes, to acknowledge himself a part of the army to which he consistently refused to belong. Louis Smith was sentenced to fifteen years on the same ground—and his sentence was approved by the reviewing authorities of the War Department. There were many similar cases. Still other objectors were court-martialed for refusing to submit to inoculation, refusal to don the uniform, or for supposed propaganda among their fellows. The twelve Mennonites at Riley, during the famous campaign to reduce all conscientious objectors to the status of disobedient soldiers, were ordered to cut down a sunflower which stood ten feet outside the boundaries of the objectors' tent colony, which boundaries had been defined in army orders. They refused, were placed in the guardhouse, and at their court-martial were given twenty-five years each for technical refusal to work. A "ten-foot conscience," the officer accused them of having. Yet in reality it was not a ten-foot conscience but objection to war which

brought the group under an aggregate sentence of three hundred years.

Let us look at court-martial from the angle of the objector.

> In relation to our court-martial trials, I may say that they did not have the slightest resemblance to justice. They were a mere formality in carrying out the policy of the camp commander . . . or possibly of certain officials at Washington, for the suppression or extinction of the conscientious objector idea. We were prejudged.

Thus a religious objector, a man of unusually fine character and of excellent education.[1]

Block, the brutal treatment at Funston still rankling in his bosom, protested before the court his treatment in the guardhouse, and then absolutely refused to open his lips throughout the entire trial. "The trial was not for the purpose of discovering the truth, but merely to secure a conviction and to inflict an outrageous and almost unbelievable sentence," writes one objector.[2]

[1] Hess, letter, October 20, 1919.
[2] Iverson, February 10, 1920.

How could it be otherwise? The prisoner is lodged in the guardhouse. To him comes an officer, an investigator. He is usually honest enough, it is true, to warn the prisoner that anything he may say in conversation with the investigator may be used against him; but as representative of the prosecution, he naturally offers the prisoner no help in understanding his own case. Later, the prisoner is served with the charges on which he is to be tried. The charge sheet states what article of war the accused is alleged to have violated and the specification thereunder. A few days after the charge sheet has been served on the prisoner, an officer appears and says that he is the prisoner's counsel. Technically, the accused is allowed to choose his own counsel. Actually, in the case of conscientious objectors at least, the accused might accept or decline the one counsel offered him. Instead of having this counsel allotted him long enough beforehand to enable the accused to work up his case systematically, there was usually only a brief period—possibly two or three days between assignment of counsel and the actual trial. "At my first trial I was given a counsel five minutes

before my trial, who made himself known immediately as having no desire to defend me," states F. O. Minnick. "After briefly stating a few of the facts of my case to him, I was told: 'Well, that's too deep for me. What are you going to do, plead guilty or not guilty?' "

It is little wonder that many prisoners declined the proffered aid of officers who should act as their legal advisers and defenders. In the words of W. A. Dunham:

> Almost without exception our C. O.'s declined counsel at their trials. We distrusted the military, on general principles, and we had small hope that any military officer would really understand and interpret correctly our positions—there was more danger that he would leave out precisely what we wanted said. In an unguarded moment Amos Showalter had accepted an officer as counsel. Later Showalter repented and tried to get rid of his counsel, but the counsel refused to be shaken off. When Showalter returned to the guardhouse after his court-martial, Harry Lee called upstairs, 'Well, Showalter, did you put the court-martial over the ropes?' 'From what he says,' remarked Bill Breidert, dryly, 'I think Showalter's counsel put *him* over the ropes!'

Nor could men on trial be expected to hold in high esteem courts so obviously indifferent to

the proceedings through which they often loitered as though they, too, recognized the farce of the situation. Officers constituting the court frequently lolled at ease, their attention divided between remarks of their fellow-jurymen and a newspaper, others frankly yawning from sheer boredom. "To be fair to everybody," wrote a particularly reliable observer of these matters, "I want to admit that one of the captains on the court, sitting near the prosecuting attorney's desk, really looked intelligent and interested in what was going on. I cannot say that much for the rest of the court." [8] It must have been before such a court as this that Sam Solnitsky, after trying vainly to get the attention of his judges, finally broke off in the middle of his verbal statement with the classic words, the last in the stenographic record: "Aw, shucks, what's the use!"

"In general," to quote again from W. A. Dunham, "the C. O.'s took one of three attitudes toward their court-martial: In the first place, many of the small-sect objectors (Dunkards, Mennonites, etc.) disbelieved in proceedings at law. These men took no oath, usually declined to plead (whereupon a plea of 'Not guilty'

[8] M. A. Hess, letter of October 20, 1919.

was entered), called no witnesses and generally cross-examined none, and frequently made only short verbal statements or none at all. A second group (probably the majority) made no formal preparation except to frame a written statement to read. . . . Some others went a step further and cross-examined the witnesses for the prosecution. Ott, at Funston, who was himself an attorney, I, and a few others, were in the third class. We summoned witnesses and formally prepared to 'conduct' our cases.

'I want this evidence and my statement *on record*,' I replied to the friends who asked me why I was 'fighting the case.' I had never for one moment the slightest idea that anything I said or did would prevent the court-martial from convicting me. From all that we heard from the other prisoners, an ordinary private soldier was scarcely ever acquitted by a general court-martial; and as for a conscientious objector—if there is a record of a court-martial acquittal of one in America, I have never heard of it.[4] As a trial, I considered this whole proceeding of constituting a tribunal of military officers to try me (by archaic forms) for my religious convictions, as a side-splitting farce.

Aside from the general lack of that fairness in Anglo-Saxon law which for centuries has insisted that a man accused before the law shall not be considered guilty until his guilt has been proved to the satisfaction of a jury of his peers,

[4] There was, however, one—out of 504. (See the "Statement Concerning the Treatment of Conscientious Objectors."

there were other causes tending to discredit courts-martial in the minds of objectors. Cases were not uncommon where unfair arguments were used, questionable evidence was introduced, or where the court went directly counter to the orders of the War Department. In its zeal to convict, the prosecution would use arguments which, in the mouths of objectors before the Board of Inquiry, for instance, would have been rejected as fallacious. The prosecution reasoned, in the case of Clarence Jasmagy, that since the accused was a "political" objector, he might claim no exemption from military service, for: "We insist that the law which provides and which we have to respect, namely, that part of the Constitution of the United States which says that a man shall have freedom of religion, does not apply to this man's case." In other words, military authorities might cite the first amendment to the Constitution when it suited their purposes to condemn a non-religious objector; but when the "religious" objector attempted to quote the same amendment in justification of his stand against warfare, he found that what was sauce for the goose was not sauce for the gander.

And, not unnaturally, he began to suspect the integrity of the court-martial machinery.

The charge of perjured testimony on the part of the prosecution in courts-martial would be a serious one to bring, had not its existence been suggested by investigations into courts-martial of men who were not conscientious objectors.[5]

Even if that were not true, testimony like the following is a damaging indictment of the truthfulness of court-martial proceedings:

"Two of the sergeants, witnesses to our refusal to do military work, were sent away to other camps before our trials, but they detailed others for the purpose of giving fabricated testimony against us. Some of the boys, without the help of an attorney, cross-examined certain of these witnesses and discredited them so badly that they were withdrawn and other witnesses substituted. In one case it was conclusively proved that a witness claiming to be at the guardhouse at a certain time, was really at that time at the tent colony, half a mile away. At the time I was ordered to do work, all of the officers and sergeants had gone elsewhere, except Lieutenant Carter, who gave the order, and two sergeants, one whose duty was to extend to us a rake (they had only three rakes to offer to fifteen men, showing how well they knew where we stood), another whose duty was to write down our names and the words of our refusal.

[5] (See, for instance, reports of the Detzler trial held on Governor's Island, N. Y., December, 1919.)

These two sergeants were away at the time of my trial, and practically all of the available sergeants had been previously discredited; so they took the prison sergeant at the guardhouse, who was guarding us at the trial, and had him hold up his right hand to heaven, and then untruthfully say that he was standing three or four feet away from Lieutenant Carter when the order was given to me. Of course, there was then no time or means for calling witnesses to prove that he was elsewhere at the time. His perjured evidence did nothing more than state that I did not do the work, and that fact I granted anyway, in my written statement to the court.

"Robert Fox, a farmer boy, conducting his own defense, by cross-examination made Lieutenant Carter admit in open court that a certain statement in Lieutenant Carter's direct evidence was untrue, and Lieutenant Carter's admission stands in the typewritten report of the trial; but evidently the reviewing authority at Washington regarded the trial as regular and legal, for Fox stood chained up in solitary in the same row with me. I believe one man was tried in the record-breaking time of eighteen minutes. Twenty-five years in eighteen minutes!" [6]

Quite as destructive of justice in the court-martial system as sharp practices on the part of officials, or the introduction of false testimony against prisoners, was the misinterpretation, either through stupidity or willfulness, of the War Department's orders. E. M. Humphreys

[6] M. A. Hess, letter of October 20, 1919.

states that the only charge against himself and two other objectors, tried at the same time at Camp Wadsworth, was "Disobedience of Orders" (64th Article of War), and that the "Specification" was their refusal to sign their names to the enlistment form and identification blank. To quote his own words:

"All offenses happened before July 30, 1918 (mine about July 20). Hence we were still bound by the provisions of the War Department's instructions dated June 1, 1918. These were to the effect that no man claiming conscientious objections should be required to perform any duty which conflicted with his convictions.

"On July 30, 1918, however, a new order was issued which precisely stated that each so-called conscientious objector, upon arrival in camp, should be compelled to sign all papers necessary to complete his record, provided that it was fully explained to him that his signature would not affect his status as a conscientious objector. This July 30 order, though superseding the old one, could not be interpreted as being retroactive and should not have applied to those of us who refused to sign the record forms *previous* to the issuance of the new order.

"Major Chas. R. Coffin, then Camp Personnel Officer, swore that he had carefully explained to each of us that a signature would not 'affect our status as conscientious objectors.' Each of us denied under oath that he had made such a statement. Furthermore, Major Coffin could not have been aware of the necessary explanation

or the exact phrasing used, since the new War Department order did not arrive in camp until many days after the various offenses were committed.

"Nevertheless, the officer's word was taken, and we all received sentences at Leavenworth."

The general disposition of many courts-martial seems to have been to sentence objectors to "life" or to death. The table given by Assistant Secretary Keppel is worth quoting in full:[7]

STATISTICS OF COURT-MARTIAL CASES OF CONSCIENTIOUS OBJECTORS, COMPILED TO JUNE, 7, 1919

Tried by courts-martial	504
Acquitted	1
Convicted and sentenced	503
Disapproved:	
By reviewing authority	3
On recommendation of Judge Advocate General	50
Effective sentences	450

[7] "Statement Concerning Conscientious Objectors," p. 51, Exhibit 31.

Original Sentences of Courts

	Less than 1 year		3
Death	17	2 years	3
Life	142	50 years	3
10 years	89	8 years	1
20 years	73	11 years	1
25 years	57	12 years	1
15 years	47	13 years	1
5 years	29	18 years	1
30 years	19	28 years	1
3 years	5	45 years	1
1 year	4	99 years	1
40 years	4		

Total..... 503

None of these long sentences was ever carried out though the objectors had to pass through many tribulations before they were modified. Compared with the punishments imposed for other offenses these sentences were severe. A captain in the United States Army, guilty of profiteering, a crime against conscience and patriotism alike, received a sentence of two years. A draft dodger, reported to be pro-German but never accused of posing as an objector to military service on conscientious grounds, got five years. In England the highest sentence for conscientious objectors was two years—although on release an

objector might be sentenced to another two-year term if he remained loyal to his conscience. Even in Germany the government dared impose a no longer sentence on Karl Liebknecht than four years, part of which was remitted. The ferocious sentences of American courts failed to accomplish their end. "Oh, man!" said one objector to a comrade who had just received twenty-five years, "you are no C. O.; *I* was sentenced to be *shot by musketry!*"

The circumstances of the trials did not, as we have previously remarked, evoke eloquent statements of the faith of the objector. A man tried on a charge of refusal to pare potatoes by an indifferent if not openly hostile court is likely to resort to silence, indifference, or to a formal and technical defense. Some men who took their trials more seriously adopted a line of reasoning which has been criticized as an insistence on the letter of the law strange in the mouths of these men who themselves refused to obey a law. These objectors, we were told, displayed an unbecoming solicitude for the righteousness of a government for which they would not fight. But this concern for law sprang in most cases

from a sincere and dauntless faith in the fundamental fairness of an America which the objectors loved. These men were not anarchists; they appealed to law to defend them against what they thought was unjust in law. Would any upholder of the sanctity of law have had them do less?

XI

PRISON EXPERIENCES

AFTER courts-martial, the prison cell.[1] Before the war three military prisons, euphemistically called "disciplinary barracks," were adequate in capacity to the need of our small army. During the war these prisons—Fort Jay on Governor's Island in New York Harbor, Fort Leavenworth, Kansas, and Alcatraz Island in San Francisco Bay, proved quite inadequate, partly because they were fearfully overcrowded and partly, so their defenders say, because of the disorganiza-

[1] It will not be forgotten that many of the objectors who refused to register or report for examination were sentenced to civil prisons. Conditions for them varied from the comparative decency of the Essex County (N. J.) jail where Roger Baldwin and some ten other objectors were confined to the shameful conditions of prisons which are a disgrace alike to our intelligence and humanity. Like Eugene V. Debs in Atlanta and Kate Richards O'Hare in the women's prison in Missouri, conscientious objectors of the stamp of Donald Stephens in the Delaware workhouse or Roger Baldwin in Newark, not only called attention to the shame of our prisons but brought fellowship and hope to their fellow prisoners.

tion of personnel due to the transfer of experienced officers and guards to foreign service. The manual of prison regulations which was enforced all during the period of the war was barbarous and mediæval. It provided, for example, that one form of punishment for disobedient or recalcitrant prisoners should be manacling them eight or nine hours a day in solitary cells, which in some cases were kept in total darkness.

The miserable condition of affairs first came to public attention when committees of the New York Bureau of Legal Advice and the Civil Liberties Bureau visited Fort Jay in the summer of 1918 to inquire into the treatment of conscientious objectors who were imprisoned there. The building used for the prison was formerly a fort. It is ill-adapted for prison purposes. At the time of these visits it was badly crowded and in consequence improperly ventilated, although the sleeping quarters and the kitchen were fairly clean. The commandant at the time was pleasant enough in ordinary conversation, but avowed his complete contempt for modern penology as exemplified by the methods of Thomas Mott

Osborne. The main purpose of the barracks was to make obedient soldiers at all costs. He saw nothing wrong about the use of solitary cells, indeed he invited his visitors to inspect them. In these solitary cells two objectors were confined who refused to obey military orders even in prison. What these men endured is shown in a letter written to Secretary Baker by Rabbi Judah L. Magnes:

"AUGUST 27, 1918.

Mr. John S. Codman of Boston and I went to Governor's Island on the 3:15 boat and returned on the 6:30 boat.

Major Ward received us very courteously, and gave us every opportunity to interview the three conscientious objectors, and to examine the conditions under which they are now imprisoned.

He took us to the cells where Sterenstein and Eichel are in solitary confinement. These cells are on the top floor of the prison. Major Ward informed us that most solitary confinement cells are in the cellars of the prison. He gave Mr. Codman later the dimensions of these cells. They are small and all but completely dark. Light and air come in from a very small opening on the top, and through a small iron grating in the door. Major Ward informed us that in many solitary confinement cells there is only the opening at the top. The door of Sterenstein's cell was opened first. We found him with his wrists shackled to the iron bars of the small opening

in the door. He was in his underwear and in bare feet. There was no pail in his cell. The only thing in the cell was a blanket. When Eichel's cell was opened, we found him shackled in the same way to the bars of the grating in the door. He was in his underclothes and had on one stocking. There was a pail in his cell.

Major Ward explained to us that they were sentenced to solitary confinement for refusing to work, and to obey prison instructions. They were shackled to the bars of the grating from 7:30 A. M., to 11:30 A. M., and then from 12:30 P. M., to 4:30 P. M.—the theory being that this is equivalent to an eight-hour working day. They are given two slices of bread three times a day and a pitcher of water three times a day. They are given no water with which to wash. If they wish to wash they must use some of their drinking water. They are not permitted a toothbrush. They are taken on Saturday night and given a shower bath.

After 14 days of such confinement, the prisoners are released into the prison yard for 14 days. They are given raw food, an ax for chopping wood, cooking utensils, and shelter at night. Otherwise they are regarded as men on a desert island, bound to shift for themselves. If, after these 14 days of desert island life, they are still unwilling to yield their conscientious convictions, they are placed in solitary confinement again for another 14 days. This can go on indefinitely for the term of 20 or 30 years, to which these men have been sentenced, or until they are broken, either physically or mentally.

The Civil Liberties Bureau officially, and various individuals personally, pointed out to Sec-

retary Baker: first, that the kind of solitary confinement in vogue not only in Fort Jay but in other military prisons, was wholly indefensible from any point of view and for any group of prisoners; and second, that there certainly would be an increasing number of political prisoners, conscientious objectors like these at Fort Jay, who rightly or wrongly would persist in their refusal to obey military orders even though they were confined indefinitely in solitary cells. The consequence might be to drive them insane. The War Department, under the law, might have no choice but to confine absolutist objectors somewhere. It was one thing, however, to confine them in a detention camp where under decent conditions they could keep their own barracks; it was another to use actual cruelty to break their spirits. The policy the War Department was following in the case of the conscientious objectors at Fort Jay was a revival of the methods of the ancient Spanish inquisition. These representations were made to Mr. Baker in August, 1918. It was not until December 6 that he modified the brutal treatment accorded to recalcitrant prisoners and then only after dramatic proof of

every assertion the friends of ordinary humanity had made.

The only immediate result of the complaints concerning Fort Jay was that conscientious objectors were transferred to Fort Leavenworth. Somewhat later a new commandant was put in charge at Fort Jay and certain minor reforms were made.

At Fort Leavenworth the objectors found the main disciplinary barracks in the United States. The buildings are modern and, as Secretary Keppel said, more sanitary than the old fort on Governor's Island. Nominally the prison—at that time commanded by Colonel Sedgwick Rice—made some concessions to modern ideas. Men were supposed to be entitled to vocational and general education. There was a psychiatrical department for examination of prisoners, then under charge of an officer named Chambers. Under his régime little constructive work was accomplished and, as the story of Clark Getts will show, he used his power as psychiatrist, in at least one case, most oppressively. At a later period a highly competent psychiatrist, Major Herman Adler, was put in charge, and during

the comparatively short time that he was in the prison there was some good work done. In the main, however, the prison was run under the old iron-hand conception of discipline. There was no hint of self-government, no least attempt to appeal to men's honor. The educational department was a joke; food was poor; clean men guilty of some small breach of discipline, men with criminal records, and sexual perverts were herded together. Decent men felt themselves bathed in an atmosphere of moral filth. Corrupt prisoners curried favor with officers and got power as orderlies. Neither the chaplain nor any officer had any conception higher than the preservation of "order," and for infractions of order men could be punished by methods calculated to break their wills, their minds and their bodies. No department of the prison was above reproach, but perhaps the hospital was the worst. Evidence from the objectors as to the neglect and mistreatment of patients is circumstantial and conclusive.

The first objectors sentenced to Fort Leavenworth accepted the conditions of their confinement and worked. They did not therefore suffer

the severe punishment provided for recalcitrant prisoners. But in October, 1918, a group of Molokans reached the jail. Their religion taught them that under no circumstances could they obey military orders. An officer was to them an officer, whether in a camp or in a prison. Therefore they refused to work in prison under military orders, although they had previously worked in the civil prison in which they had been confined in Arizona. In accordance with prison routine they were at once sentenced to solitary confinement. The cells at Fort Leavenworth in which they were confined were dark but not pitch black like the corresponding cells in Fort Jay. Moreover, they had modern sanitary conveniences. On the other hand, at Leavenworth men were kept in confinement continuously, every alternate two weeks being given only bread and water. Because these men were foreigners and did not express themselves well in English, it was more of a temptation for low-grade guards to treat them brutally. An orthodox Jew, Gelerter, followed the same course as the Molokans and received the same treatment.

The plight of the Molokans was desperate.

They had no influential friends to plead their cause. There was no way of communicating with the outside world, for all news was censored. It was one of the rules that men in solitary should neither receive nor send letters nor communicate with any of their fellow prisoners. The Molokans, because of their religious scruples, could not eat the prison bread which was not prepared according to their standards. Nor could they eat many other articles of prison fare, even during the two weeks when they were supposed to be on full diet. In time the prison provided special vegetable diet, but it was scarcely sufficient to maintain life. Things might have gone hard with these simple-minded Russians were it not that the number of conscientious objectors was continually increasing. No prison authorities can keep news from traveling through the tiers and cells of the jail, and the fate of the Molokans was of course known. Many of the more articulate of the objectors, men of education able to express themselves, not only remonstrated with the prison officials, but found ways to send information to the outside world as to what was happening. Finally a

group of them drew up a formal protest to the War Department which the prison officials refused to allow them to mail.

Then some of these objectors took an extraordinary step. Evan Thomas, an absolutist objector, went to the commandant and told him he would work no longer, not because he felt that he could not conscientiously work in prison, but because he felt that there was no other way to bring the barbarities of the prison system to the attention of the outside world. He was in consequence sent to solitary on November 2, where he remained continuously until the last of December. His reason for his stand he thus stated in a letter to his mother:

I have just completed my first fourteen days of solitary confinement and am well and strong. You have absolutely no cause for worry. I have been on bread and water but will be on full diet now for the next two weeks (but still in solitary). I promise you faithfully to take the best possible care of myself.

Now as to my own course of action. I finally refused to continue work here solely on the grounds of my belief in the liberty of conscience. There are a number of men here who I know will die rather than work under the conditions here. These men are not dangerous opponents of the state, however anarchistic

their present action may seem. They are for the most part peaceful followers of obscure religious sects or else radical nonresistants with socialistic leanings. I don't know who all have refused to work but so far as I know most of those who have refused are religious objectors. This country is surely big enough for such people. They would be useful members of society at work outside. I simply can't keep my own peace of mind, working outside, when I know that these men must see this thing through.

You know that my objection all through has been to conscription. While the war was on there might be reason in the state's refusal to let objectors to the draft go, but now I can see no practical reason for punishing them so severely. I have worked here and most certainly will work again if such men are given some sort of consideration by the government. It is no matter of pride with me to say I have been consistent and never submitted to conscription. If it were merely that, I would certainly quit and go to work for your sake. But I can't feel like anything else than a quitter to leave the ship now when there is still danger that these extremists may have to pay a costly penalty. America surely is big enough and the American people liberal enough to allow these men liberty to conduct their lives in accordance with their own conscience as long as they do not injure others. It is this that sent me to solitary and it is this that keeps me there.

Once again I say I will go to work the minute I have some assurance that the government is prepared to recognize such loyalty to conscience on the part of these inoffensive, harmless individuals. If they must undergo longer sentences for their loyalty to conscience, then I

will undergo it with them and I will expect the liberal and Christian sentiment of America to realize the right of these men to their consciences in the course of time. But should nothing practical come from my action, and probably nothing will, I will at least feel that I have been loyal to the principles I believe in and will be happier here in solitary than on the outside working.

Thomas was joined by several other objectors, some of whom took the stand of the Molokans that they would refuse to obey military orders even in prison, others of whom wished to join the sympathetic strike. In consequence the solitary cells were crowded. Of the prisoners who remained at work, some at much risk to themselves "undergrounded" mail to the outside world, so that a few weeks after peace was restored by the signing of the armistice, the American people were treated to the news that men whose only offense was loyalty to conscience were confined in dark cells continuously day and night, forbidden to read, write or talk, fed every alternate two weeks on bread and water, manacled nine hours a day, in standing posture, to the bars of the cell, compelled to sleep on the cement floor —later upon a plank—with vermin as their sole companions. There used to be a kind of com-

petition among the prisoners to find out how many bedbugs they could count. These prisoners from the start refused to obey the silence rule, and though one or two of them were punished by being manacled in an exceedingly painful position with backs to the bars of their cells, and arms above their heads, even the guards revolted at this sort of thing and winked at their calling to each other through the thick walls of their cells. Thus they were able to preserve their sanity.

A dramatic coincidence occurred in the case of Howard Moore. At the very time that he was manacled like a wild beast in a solitary cell, he was awarded a Carnegie medal for bravery in rescuing a woman from drowning at the risk of his own life.

Clark Getts, one of the prisoners who remained at work, was discovered to be responsible for sending news of conditions to friends on the outside. In consequence he was sentenced to solitary confinement. Near the end of his first two weeks Chambers, the psychiatrist, came to visit him, and seeing him fairly cheerful and even somewhat jocose, said that he must be crazy, and

confined him to an "observation ward," in reality a place where the worst types of sexual degenerates were cared for, or rather not cared for, by inefficient prisoner nurses. Here Getts was kept for weeks under conditions too revolting to describe, and again it was only news smuggled to the outside world that secured his release.

At first the public was apathetic; the press was silent and the frantic patriotism of the vintage of November, 1918, refused to believe such stories as were given publicity. But by December 6 enough interest had been aroused to compel the War Department to abandon manacling. The order is worth reading for its frank admissions:

FROM WAR DEPARTMENT NEWS BUREAU

NO. 9

Immediate release

DECEMBER 6, 1918

The Secretary of War authorizes the following statement:

Disciplinary regulations in force in military prisons have been modified by the War Department Order. Fastening of prisoners to the bars of cells will no more be used as a mode of punishment. This and milder devices have been effective in the past in breaking the willful or stubborn opposition

of prisoners of the usual military type, who would not submit to the work requirements of disciplinary barracks. Instead of being allowed to lie in bunks while others worked, they have been compelled to choose between working or standing in discomfort during working hours. Practically, under usual conditions, this has been more a threat than an actuality, and as such it has been effective. But during recent months, with the influx of political prisoners to disciplinary barracks, particularly at Fort Leavenworth, extremity of attitude on the part of this new type of prisoner has at times led to extremity of discipline, as provided by military regulations. These clearly were not formulated with the political type of prisoner in mind, and their effectiveness as deterrents has been questionable. Men have returned for repeated experiences of the severest forms of discipline. The most extreme of these is now discarded and the order is comprehensive. It applies not merely to political prisoners, but to those of every type.

The abolition of manacling did not end the confinement of political prisoners in solitary cells. The military officials and the War Department insisted that in reality there were no such things as political prisoners or conscientious objectors. All real conscientious objectors had been amply provided for—this, though the Department had admitted their existence in the statement just

quoted! These men were disobedient prisoners and would be treated like any other disobedient prisoners. The fact that solitary confinement is no proper treatment for any prisoner, that it is utterly degrading to any man in body, mind and soul, has never to this day been admitted by the War Department. But indefinite solitary confinement meted out to conscientious objectors was peculiarly obnoxious. The situation resolved itself into a systematic effort by the American government, weeks after the end of the war, to break the principles of a handful of heretics. The government failed. It did not drive these men insane, and it did not make them recant. At last, about Christmas time, the commandant agreed to take them out of solitary and put them in a special stockade where prison work under military orders would not be required of them. Roughly speaking, the policy of confining political prisoners in solitary cells merely to break their wills was abandoned by the War Department by January 1, 1919.

During the long period when "solitary" was in use, occurred the tragic death of the Hofer brothers. The story begins, not at Fort Leaven-

worth, but at the third of the military prisons, on Alcatraz Island in San Francisco Bay. It has a dungeon which is a place of horror. Moisture stands on the walls. It is so dark that a man cannot see his hand at arm's length, and according to prisoners who have been there, it is infested with rats. (This latter statement has been denied by the officers who claim that the rats were the creatures of the overwrought imagination of the prisoners.) The three Hofer brothers and Jacob Wipf were Huttrians. When they reached Alcatraz, under the conviction that their duty to God precluded any submission to military commands, they refused to obey orders.

Beaten by guards (the chaplain is said to have struck one of them with his fists),[1] they were sent down then into the "hole," as the dungeon is called. Their civilian clothing taken from them, clad only in their underwear, without covering of any kind, they were kept day and night in this wet, foul dungeon. During the day they were "strung up"—that is, manacled in ac-

[1] According to one of the inmates the chaplain "insisted on compulsory attendance at his chapel services. His habit was to have recalcitrants dragged to the chapel. He beat the Hofer brothers with his fist and then rubbed his hands and admitted that he should have called an overseer for the purpose."

cordance with military regulations. Beside them on the floor were soldier uniforms and they were promised relief if they would put them on and agree to obey. Jacob Wipf afterwards said: "We had decided that to wear the uniform was not what God would have us do. It was a question of doing our religious duty, not one of living or dying, and we never wore the uniform."

Under these conditions they continued for thirty-six hours practically without food and with too little water to drink. Finally the authorities could not continue their brutality, and the policy of stringing up the Huttrians was abandoned. They were kept in the hole, however, for five days with insufficient drinking water, and no toilet facilities. Then they were released, and during the remainder of their stay at Alcatraz were treated fairly well. Their experience in the dungeon had weakened them so much, however, that when, some weeks later, they were transferred to the severe climate of Fort Leavenworth, they felt the change keenly. In Leavenworth also they refused to work and were consequently confined in solitary. Two of them

contracted pneumonia and were taken to the hospital, too late to save their lives. As an ironical climax to the tragedy, whether premeditated or unconscious, the body of one was sent home in a military uniform.

The abolition of manacling and the ultimate relief from solitary confinement of conscientious objectors who refused work represented a distinct victory for those who had defied the might of the military machine. A new atmosphere breathed through the prison. Officers were heard to say with great sincerity that they rued the day that conscientious objectors were ever sent to them. It was apparently absurd to insist on the one hand that conscientious objectors were being treated like other prisoners, at the very moment that the most obdurate conscientious objectors were confined in the stockade and treated rather decently! General conditions in the prison were in no substantial degree improved. The men growled about the food, about the iron discipline and the leaden dullness of routine. Some guards continued their petty persecutions. The room orderlies (themselves prisoners) were worse. One of these, a self-

confessed murderer, stated that he had spent most of his time since his fourteenth year in reformatories and prisons—not as a guard but as an inmate.[2] Yet he was intrusted with power over his fellows.

Some of the Kansas papers, doubtless on information furnished by officers, tried to claim that the growing unrest in the prison, which took the form of some escapes and one or two incipient outbreaks, was the result of the prisoners' disapproval of certain favors to conscientious objectors. This cry was raised with particular energy after a visit of the Board of Inquiry to Fort Leavenworth to examine conscientious objectors who had been sentenced, many of them before the Board had heard their cases. As a result of this review, on January 27, 1919, one hundred thirteen conscientious objectors were released on the ground that their sentences were contrary to the War Department's instructions. All these men would have been willing to do farm work if furlough had been granted them, so that their original confinement was a mistake. By some clerical error they were given in accordance with the

[2] cf. Hess, October 20, 1919, p. 6.

usual War Department routine in such cases back pay at the time of their discharge. The story of that back pay still lives and is usually quoted whenever conscientious objectors are discussed.[3] Much vehement denunciation of the War Department and of objectors would have been avoided if three salient facts had been kept in mind: (1) According to the War Department's own admission, the men who received it ought never to have been court-martialed; (2) these men had suffered the miserable conditions of imprisonment in Fort Leavenworth for months before their cases had been properly reviewed, and (3) though in order to be released the men had to take the money, they did not keep it. Says the official report:[4] "The War Department has received from conscientious objectors as refunds in pay the sum of $9480.55 Conscientious objectors have also voluntarily contributed, of pay received by them, a very considerable sum

[3] See *The Outlook* for January 28, 1920, and a communication and editorial reply, March 17, 1920, for a typical case of editorial misrepresentation.

[4] Statement concerning the Treatment of Conscientious Objectors in the Army, p. 31.

aggregating more than $20,000 to the Red Cross and other welfare organizations."

Beside the disapproval of sentences which brought about the release of the one hundred and thirteen, who were discharged together, the War Department from approximately the beginning of 1919 found one reason after another for setting aside or shortening sentences so that the number of conscientious objectors was rapidly reduced. Among those discharged was Evan Thomas, leader of the sympathetic strike in behalf of the Molokans.

Such were the principal events at Fort Leavenworth up to the time of the great strike in February, 1919, in which the objectors who worked and were confined in the prison proper—not in the stockade—played an important part.

XII

THE STRIKE AND ITS AFTERMATH

The National Civil Liberties Bureau early in 1919 made an arrangement with *The Survey*, by which one of the editors of the latter, Winthrop D. Lane, studied prisons in which political offenders were confined by the Federal government. By good fortune he was actually at Fort Leavenworth when the famous strike occurred. His account of it, first published in *The Survey* for February 15, 1919, is a valuable contribution to the literature of prisons.

The strike, he tells us, was preceded by conflicts between prisoners and the authorities and by race riots between whites and blacks such as too often disgrace American life in and out of jail. Thus his story continues:

> On Wednesday afternoon, January 29, the 'first gang,' composed of about 150 prisoners working outside

the walls, quit on their jobs. The guards in charge made only a nominal effort to induce them to resume work.

This was the first overt act of the strike. In that mysterious fashion in which news travels through walls and barred doors in prison, the whole place was soon humming with the exciting news that the first gang had struck. What did it mean? What were they striking for? How far did they intend to go? What was to be their method—violence and an attempt to overpower the prison authorities, or the quiet method of simply refusing to work? Would they try to get others to join them?

One of the members of the "first gang" was a conscientious objector. In civilian life he had been a newspaper reporter and a poet; he was known as a "radical." That night he held a conference with friends in his wing. He told them that he had no desire to participate in a strike for such petty objects as the men of the first gang were then considering. No one had formulated that afternoon any statement of what was wanted. One prisoner wanted more tobacco; another wanted better food; another resented the treatment of Negroes on an equality with whites; a fourth felt bitter because he wasn't getting his letters from home; a fifth wanted the privilege of writing more letters himself. This absorption in small desires, and utter disagreement of one man with another, characterized the early stages of the strike. Every one was discontented, many were surly, but only by chance did any two agree upon the causes of their dissatisfaction.

The prisoner in question told his friends that if he did not join the strike with the other members of his

gang, his own safety might be endangered. Local Kansas City newspapers, notably the *Star*, had for a week past been publishing wholly untrue stories of the bitterness existing among the prisoners toward conscientious objectors. Realizing that these stories were not true, this prisoner nevertheless feared that their very publication (they were, of course, read by many prisoners) might produce the antagonism described. A single unfortunate accident might turn against the objectors the passions that had already been aroused against the blacks. If he, an objector, incurred the enmity of his fellows by refusing to join the strike, he might be the unwitting means of bringing about a general hostility toward the four hundred objectors still in prison. That night he went to his cell bed resolved to do what he could to make the strike a general demand for something more than extra tobacco and better food. Forty-eight hours later this man, H. Austin Simons, was the acknowledged spokesman of the strikers.

This was the night, also, of the fire in the quartermaster's warehouse. The flames were discovered at about six o'clock in the evening and soon bore every appearance of getting beyond control. From my porch on a window ledge in the adjutant's office, where my presence was barely tolerated (twice I had to show my pass to be allowed to stay), I saw the whole panorama of the prison yard. Two conflicts were going on—the effort to control the fire and the effort to prevent trouble among the prisoners. These were securely locked in their cell wings two hundred yards from the fire, but six hundred men (the number in some of the wings) can make short work of locks if they go about it in the right way.

Soldiers from the 49th Infantry regiment, temporarily stationed at the post, had been called out to assist in the emergency. Squad after squad of ten men each ran into the prison yard and disappeared in the direction of the cell wings. One could only guess to what use it might be necessary to put them. Two guards, bearing a limp form, came from the direction of the quartermaster's warehouse and entered the hospital door. They were quickly followed by two more, and then by four carrying a stretcher with a body on it. In all, eleven men were taken into the hospital that evening, overcome by smoke or fatigue. Nine of these were prisoners, trusted inmates who had been allowed to help fight the flames.

Sparks flew over the hospital building and settled upon its roofs. Heavy rolls of smoke poured through its screened porches and doors. One sighed with relief as he noted that it was built of stone, but quickly became alarmed at the recollection that its annex, containing many patients, was of wood.

An officer came running. "I want ten men quick," he yelled, "men who know how to handle guns." The description seemed superfluous, and the men were off in an instant.

As an organic part of the strike, the fire had no significance. In two hours it was practically extinguished, without loss of life but with the loss of approximately $100,000 worth of clothing and supplies. Its occurrence, however, due as it was to the work of two or three prisoners, who later confessed, was evidence of the spirit of unrest. Men were bent upon any measures that gave an outlet to their passions. The strain of it must have been very great on the 2500 men locked

in their cells. The fire screwed the tension to a higher pitch, and left both officers and prisoners with raw nerves.

Next morning occurred the first blunder of the administration. Without consulting Colonel Rice, the executive officer ordered that the prisoners be marched back to their wings immediately after breakfast and that they remain there for the morning. This did two things: it told the men that the officers were afraid that something might happen if they went to work, and it gave them further opportunity for agitation. . . .

At ten o'clock Thursday morning, Colonel Rice said to me: "This I.W.W. trouble that we have been fearing has started with some of the men. I am going down to see about it. Will you come with me?" I accompanied him and several officers to the boiler room where about thirty prisoners were gathered together, talking to a lieutenant from the executive office. Colonel Rice pushed to the centre and faced the men. He is a large man whose military bearing is none the less impressive from being free and easy. To me, who have never been a prisoner under him, his face is generous and kindly. His manner is not pompous, not domineering. He asked what the trouble was. In reply the spokesman said that the prisoners gathered there were not striking. They had no desire to strike. All they wanted was protection in keeping the boiler plant going. That morning, he said, the men had been called sneaks and scabs by other prisoners and had been threatened with violence if they did not stop working. This naturally frightened them and they had joined in a request for protection. Colonel Rice told them that measures were being taken

for their safety and left them with a strong plea that they continue to perform their duties.

From there he went to the sixth wing, where it was understood that several hundred prisoners were especially vocal in stating their grievances. This wing, like all the others, has eight tiers of cells. Its occupants gathered about the colonel on the main floor and hung to the railings of the lower tiers. Colonel Rice thus faced an audience that packed in close around him and rose half way to the ceiling.

He began by asking men to state their grievances. What followed as Mr. Lane tells the story, was an unsatisfactory discussion as to the quality of the food. Colonel Rice closed the discussion in conciliatory fashion. We return to Mr. Lane's narrative:

"Now, men," began Colonel Rice, "I'm not down here to threaten you. That's not my purpose at all. I would really like to get your point of view. I would like to know what you think you're going to gain by your present conduct. I know many of you have grievances. Some of these grievances are real and some are imaginary. I know what some of them are. I know there are men in here who can't understand why they have such long sentences. I know there are men in here who can't understand why they have fifteen, twenty, twenty-five, and even longer sentences, when other men who, in their judgment have committed similar offenses or no less serious offenses, have only two years."

The colonel had struck home. A mighty shout and handclapping greeted this statement. The colonel went on:

"But what I cannot understand is why you think you are in a position to correct it. For aught you know, there may be others who are now trying to correct it. For aught you know, there may be people who are trying to get clemency for you now. I am not making any promises, but these people may be working hard and may have some chance of success. But what are you doing? You are making it so much harder for them by your present conduct. You are fixing it so that even when the time comes when something might be done for you, these who are making the effort will find their hands tied.

"I am perhaps in closer touch with what is going on here than you think. I have many sources of information and I hear much. If I had no other source than the anonymous letters from prisoners that come to my desk, I would know, for example, that you are saying that you are 3600 strong, that there are only a few guards, and that you can take things into your own hands. It is true that there are only a few guards, but what you forget is that there are 4000 soldiers in this post, a soldier for every man, and I can have 'em here in five minutes." (General shifting of feet and sidelong glances.)

"Now, I know there are things about this institution that could be better. And we are working all the time to make them better. I know the service in the dining room is not all that I would like to have it. But there is exactly twice the number of prisoners in this institution that we can reasonably accommodate, and that is a condition that I cannot control. I didn't send you here. Don't imagine that I want to keep you. I'd like to get rid of the whole lot of you. You're no comfort to me."

Such was the groping, during the early stages of the strike, by both prisoners and officers, to find out what this spontaneous, inexplicable movement meant and how to quell it. No one knew yet just what was happening or would happen. No one knew how far the movement would go. . . .

That noon the men were lined up in the yard as usual, to be marched out to work. This was to be the final test. Would the prisoners acknowledge their obligations, or would—one shuddered as he filled in the alternative, with the infantrymen waiting outside.

An officer called out the gangs. "First gang," he shouted, and waited for it to form in line. No one stirred.

"There ain't no first gang," came a voice from the ranks.

"Second gang," shouted the officer.

"There ain't no second gang," came another voice.

"To hell with work. We want to go home," shouted a prisoner.

"Third gang," called the officer.

"There ain't no third gang," came from another quarter. The officer folded his sheet and, turning to Colonel Rice, remarked that the prisoners of the United States Disciplinary Barracks seemed to be on strike.

Colonel Rice stepped forward. He raised his voice and asked the men to tell him why they refused to work. Again he pleaded for individuals to come out and tell him what was the trouble. "I want your point of view," he said. "No one will be punished for coming out and speaking to me here. I know you have leaders and I want those leaders to come forth and speak to me, man to man."

No one moved. Two thousand prisoners stood with their arms folded, motionless except for the occasional shouting of individuals. In their ill-fitting coats and shapeless trousers with white numbers two and a half inches high sewed above each knee and across their backs, they looked like what in the eyes of the law they were—a herd of branded criminals. Yet among them were many men of character and attainments, many ignorant youths who had got into trouble through sheer carelessness, many men who had committed offenses for which any civil court would punish them. What could such a conglomerate group have in common?

"We want to go home," shouted some. "We want better food," shouted others. One man brought a laugh by bawling at the top of his lungs: "Give us liberty or give us death!"

Colonel Rice walked up and down, now addressing several sentences at a time to the men, now begging individuals to come forth. Yet no one wanted to reveal himself as a leader in the presence of half a dozen prison officers. Few smiled, for though they were suddenly realizing the proportions of their own mass movement, they did not know how to control it or give it direction.

Suddenly the ranks opened and a small prisoner with closely shaven head and wearing a long, ugly raincoat pushed forward. With his intent expression he had somewhat the appearance of a Franciscan monk. I had seen him at the Atlantic branch of the Disciplinary Barracks at Fort Jay and knew him to be the close friend and legal ward of a man long prominent in social work. An officer called: "Here is a speaker, sir." There was

a quick hush. Beginning in a low voice, the prisoner said:

"Sir, I have been here only a few days. I was transferred four days ago from the Disciplinary Barracks at Fort Jay. I am in no sense a leader of these men. I can speak for myself, however, and (here he raised his voice so that he could be heard throughout the yard), I think I speak for many others in these silent ranks when I say that our object in thus seeming to oppose authority is that this is the only way in which we can make articulate our demand to know what is to become of us. What, sir, is the government going to do with us?

"I am a conscientious objector. I realize that in thus separating myself from this mass I make myself a marked man among your officers. I am willing to do this, sir, if I can enlighten you, and through you others, in regard to the meaning of this protest. My own sentence happens to be twenty years, but my case is only one. There are hundreds of men in this prison bearing sentences of fifteen, twenty and twenty-five years (I am not now speaking of objectors only) who were new to military methods and requirements, and who committed offenses for which the peace-time judgments would be only a few months or at the most two or three years. Are those men to remain here for the rest of their lives?

"Sir, the armistice was signed nearly three months ago. The war is over, the government has already released 113 of our fellows. Has it not had time to investigate the justice of other claims? You ask, sir, what are our grievances. I answer that this is our grievance. These men, as I read them, intend no violence. You see them here with their arms folded, re-

fusing to work. That is the method of their protest. We ask, and we ask of you because you are the one immediately in authority over us, what is our future?

"In the remarks you have just made you have cleared the air more than in your talks yesterday in the wings. At least we may now guess where you stand. But we recognize that your authority is limited. And we wish our protest and our inquiry to be carried over these walls and to reach the seat of authority in Washington. We ask this question and we adopt this method because we are prisoners and because this is the only method known to us."

The prisoner, W. Oral James, stepped back into his place. It was evident that his remarks had made a deep impression upon one part of his audience at least—his fellow-prisoners. Colonel Rice spoke briefly in reply, and when he had finished his officers again walked up and down the ranks inviting those who were willing to work to fall out. A hundred did so. The rest stood as before, with arms folded. There were smiles on their faces now. One felt that indecision had vanished and that at last they knew what they were striking for.

The men were marched back to their wings. What was to be done? The number of strikers was about 2300. They were still part of the military forces of the country. They were subject to military discipline. Their officers were military men. Their conduct was mutiny, and for mutiny there is only one recourse.

That afternoon Colonel Rice telephoned to Major-General Leonard Wood in Chicago for permission to use the soldiers of the 49th Infantry regiment, if he should need them. General Wood issued permission for the

use of the troops "to maintain discipline, to protect prisoners and to protect government property." Authority could not be broader. That night when I left the prison to go to supper, I passed the khaki and steel of a thousand soldiers waiting outside the prison gate.

Meanwhile the men had profited by the scene in the yard that noon. The rest of Thursday was the period of actual organization. It was literally true that while the soldiers were being sent for and were marching toward the gate, the strike was gathering the force—and the direction—that carried it through to victory. Organization was first perfected in the seventh wing. A committee was elected and a statement of demands drawn up. The prisoners in this wing sent messages to those in other wings, telling them what the demands were and urging them to elect their own committees, with one prisoner to serve on a general committee that would attempt to confer with the officials. "We urge you to preserve order, to stand firm and commit no violence," concluded the message sent to these wings.

The next morning no attempt was made to take the men out to work. Using my pass I visited the men in the seventh wing. They received me as every body of men who think themselves unjustly treated receive a reporter—with open arms. To them I was a bridge to the outside world. One prisoner suggested that I might be a government spy, but he was quickly silenced by those who thought they knew better. After all, they went largely on faith, for only one man in all those hundreds had known me personally before I had arrived a week earlier.

The men were just about to hold a meeting—the 'soviet of the seventh wing,' they were humorously call-

ing themselves. Simons mounted a box and I leaned over the rail of the first balcony so that I could see the faces both above and below. Simons was persuasive, eloquent, direct. His periods were rounded, his sentences complete, his climaxes effective. He told them that the strike had been organized in the other wings, each wing having elected a committee just as the seventh had done. He read the demands that had been formulated the night before: (1) that the commandant recommend to the War Department the immediate release of all military prisoners; (2) immunity from punishment for all men who had led in the strike movement; (3) recognition of a permanent grievance committee of prisoners.

He told them that theirs was the just cause of self-government now being fought for throughout the civilized world. He brought prolonged applause by his dramatic announcement that the disciplinary battalion (the group of men about to be restored to the service) had joined the strike, and though this news later proved to be untrue, the reception accorded it showed how eagerly the men welcomed additions to their ranks. He declared that no authority could withstand the power of a united body of men. Efforts, he said, would be made to separate them.

"When the officials come to take you out of your wings," he shouted, "use no violence. Whether they take you out together, in groups, or singly, go quietly into the yard. Once there, refuse to work. Violence accomplishes nothing. Solidarity accomplishes all things. The watchword of the working-men throughout the world today is solidarity. Say nothing, do nothing, but stand like this." The speaker folded his arms. "A man

who commits no overt act, but stands like this, is immovable."

As he spoke, I thought of the thousand soldiers outside. I thought of the thick walls that shut these men in, and of the barred doors between them and their fellows. I wondered what was the mysterious power by which the speaker and his listeners thought they could control their own destinies. There seemed a grim and tragic humor in the situation of these upturned faces, eagerly drinking in the word of their interpreter. I wondered if either he or they fully sensed the dire possibilities that seemed so imminent to me.

I returned to the prison offices with this question in my mind. There I learned that Colonel Rice, after a sleepless night, had made up his mind. He called me into his office and asked me to sit down; I could see at once that his struggle had been intense. He went quickly to the heart of his decision. He had enough force at his command, he said, to compel obedience from every prisoner. "No one knows better than I," he declared, "what this might mean. It might mean violence and it might mean bloodshed. If these men were merely mutinous, I should not hesitate. But this is no ordinary prison uprising. These men have some justification, much justification, for their feeling of discontent. I know the approved military method of handling this situation but I know, too, that we are in a changed world today. The American people do not stand for the use of military force if there is a better way. I propose to find that better way. I shall listen to a committee of prisoners. If this is surrender, let them make the most of it."

I felt that he had reached a momentous decision. A

moment later I realized just how courageous his decision was. An officer of Colonel Rice's staff stopped me and said:

"Do you know how to settle this mutiny?"

"No," I answered.

"Well, I do," he snapped. "I could settle it in seventy-two hours. I'd lock every prisoner in his cell and I'd starve him, that's what I'd do. In three days every one of 'em would be crawling to me on their bellies, begging to be allowed to work. A week'd see them. I'm plumb disgusted with this pusillanimous way of handling a bunch of criminals."

The committee met with the commandant and several other officers at 2:30 that afternoon. When the seventeen prisoners marched into the room, Colonel Rice asked them if they had a spokesman. Simons stepped forward. He said:

"Sir, on behalf of the general prisoners confined in this barracks, I am authorized to present to you the following statement of demands, which I shall read:

"We, the men now confined in the U.S.D.B., Fort Leavenworth, Kansas, having been convicted by court-martial, present the following as essential for the restoration of normal conditions:

"1. That the commandant immediately release from solitary confinement all men now there for having participated in this movement from its beginning, and that he promise that no man involved in this movement shall be punished or discriminated against in the future for his part in it.

"2. That the following telegram be sent to the Secretary of War at once: "General prisoners confined in the U.S.D.B., Fort Leavenworth, petition, with approval

of commandant, for amnesty to all convicted by court-martial. Senators Chamberlain and Borah, American Bar Association and public opinion generally declare sentences unjust and amnesty the proper redress. Our release is just as urgent as that of the 113 conscientious objectors recently discharged. Democratic military justice requires amnesty. (Signed) Prisoners' General Committee elected at request of officers."

"3. That the commandant recognize a permanent grievance committee to be elected by the men; and that this committee shall have the right to discuss with the authorities such improvements of conditions as seem in the committee's judgment to be desirable."

Colonel Rice took up the points one by one. The first, in spite of its somewhat vague phraseology, was well known to refer particularly to white prisoners who had been placed in solitary confinement for participating in the race riots. Colonel Rice told the committee that eleven of the men so confined had already been released and that the cases of the other three were at that moment being investigated by the executive officer. A new man held this position, 'Square Deal' Smith, so called from his record of fairness in the navy. After some parleying, the committee decided to present those facts to the men and to seek their judgment.

It was now Colonel Rice's turn to explode a bombshell. At last he took the men into his confidence. He read a paragraph from a letter that he had sent to the War Department a month previously on the question of excessive war-time sentences urging that they be reduced to a peace-time basis. This would cut many 15-, 20- and 25-year sentences to a few months, or at most to a year or two. It was evident that the members of the

committee were greatly surprised at this revelation of the commandant's action. They stood out, however, for the sending of the telegram. Colonel Rice offered instead to deliver the message in person, and explained that he was making an official trip to Washington in two days. To this the committee finally agreed. It agreed also to omit the words, 'with the approval of commandant,' since by taking the message in person Colonel Rice gave evidence of his approval.

The third point caused no difficulty whatever, for Colonel Rice immediately said that he would be entirely willing to discuss matters with a general prisoners' committee, so long as such a committee displayed a proper sense of leadership and remained representative of the men.

The men returned to their wings. They were given an hour—all they asked for—in which to report the decision of the other prisoners.

Rumors quickly came back that the committee was meeting with difficulty in some of the wings. The fourth wing, especially, we heard, was insisting that the message to the Secretary of War be sent at once by wire. The reason was not far to seek. The strike could then be continued until an answer had been received!

At last the committee returned, four hours after its appointment. A new spokesman stepped to the front.

"Sir, I am spokesman this evening, general prisoner 17,380, who acted as spokesman this afternoon being somewhat tired."

Thus spoke Carl Haessler, graduate of the University of Wisconsin, Rhodes scholar at Oxford, editorial writer, socialist, conscientious objector. He continued:

"Sir, I have to report that the general prisoners confined in this barracks have voted unanimously—unanimously, sir—to return to work tomorrow morning and to restore a normal state of affairs upon the conditions agreed upon this afternoon."

A breath could have been heard. Colonel Rice's eyes softened, his face became suffused with emotion, and he said almost in a whisper, "That is very, very gratifying."

The strike was over. The democratic, non-military method had won. And the members of the 49th Infantry, who had been cooling their heels outside the gates for two days, were sent packing.

For a time self-government flourished. The food, nevertheless, remained poor. The clemency board got to work. Public sentiment, aroused by stories of the injustice of courts-martial, not so much to conscientious objectors as to soldiers, demanded some action. In general the principle followed was one of equalizing sentences imposed during the war with sentences for similar offenses imposed by courts-martial in peace time. For instance: If in the regular army the average sentence for a man who refused to pare potatoes was three years, whereas a twenty-five-year sentence was imposed for the same offense during the war, that sentence was

reduced to three years. This principle was never logically carried out, and after the process of equalizing had been completed, there were still glaring discrepancies. Nevertheless, conscientious objectors benefited by the process so that twenty-, twenty-five-, and thirty-year sentences were usually reduced to three or four years or even less. Besides this, the discharge of one individual after another on grounds known only to the War Department continued so that the number of objectors was steadily reduced. The War Department, however, refused to take the frank way of granting a general amnesty, preferring to deal with the individual case. To say that every case was to be dealt with on its merits sounded well. Actually the process worked out quite unfairly, since it ignored the fact that at bottom all conscientious objectors were in prison for the one reason that they had refused to obey military orders.

So passed the winter and spring. For some inexplicable reason, in April, 1919, the objectors who had been confined under fairly decent conditions in the stockade were transferred to very crowded quarters at the post guardhouse. While

they were there, an officious captain who thought his order for silence at night was not obeyed quickly enough drenched the whole lot of them with the fire hose. It was two days before the men even got dry bedding to sleep on. A War Department investigation whitewashed the captain in terms which almost invited similar persecutions in other prisons, but the conscientious objectors were shortly afterwards transferred to better quarters.

The greater number of objectors worked like ordinary prisoners. Those who worked were on good terms with their fellow-prisoners. During this period a paper, called *The Wire City Weekly*, was started. It appeared very much as did *La Libre Belgique*, which the Germans were unable to suppress throughout five years of war, and it was equally clever in its discussion of current events and official tactics. But it had a short life. The four copies which reached the outside world had the extraordinary result of stimulating agents of the Department of Justice to investigate a military prison.

In July came the second strike, which War Department officials designated a "mutiny."

Little of this strike was ever known to the outside public, but men of integrity made most serious charges against the conduct of the prison officials. The fullest account of the strike is to be found in a long and careful letter written by Frederic Leighton, who was a prisoner in Leavenworth during the strike and was at one time editor of *Stray Shots*, the official prison paper. His letter was written a day or two after the events that he described, but was sent only after his transfer from Fort Leavenworth to Alcatraz. It was thus summarized in *The World Tomorrow*, September, 1919:

"On Monday, July 21st, a strike broke out at Fort Leavenworth. The immediate cause was wretched food; the deeper reason was the discontent of prisoners, some thousand of whom had recently arrived from France, smarting with the injustice of their treatment in guardhouses and their excessive court-martial sentences.

"The officers seemed to welcome the strike as an opportunity to abolish concessions formerly made. At any rate men willing to work—many hundreds in all—were locked in the tiers with the malcontents, under heavily armed guard, on a diet of bread and water. Five shots were heard from the sixth wing where the men were most restive, and later two prisoners were carried out on stretchers. On subsequent days, *officers outside the*

sixth tier took pot shots at prisoners through the barred windows. Although within a few days every tier but the sixth had voted to return to work, some as early as Tuesday, the treatment we have described continued until Saturday morning, on the ground that no man could leave the cell tiers until every man yielded. The sixth tier finally voted to return to work on Friday afternoon. To punish the men for this strike the officials abolished all privileges, increased work shifts from eight to twelve hours, put all prisoners on restricted diet, confined them to their cells save when working, confiscated such personal possessions as they had been allowed to keep, revoked all home parole, and cancelled all 'good time' earned to date."

This second strike had no such leaders as the first. Many of the best of the conscientious objectors and military prisoners had been discharged or transferred at the time it occurred, and leadership had fallen into unsatisfactory hands, a circumstance which the officers did not seem to regret. Thus ended Fort Leavenworth's brief attempt at reform.

XIII

THE LAST MONTHS

During the stay of the objectors at Fort Leavenworth in the prison proper and in the stockade reduction of sentences was steadily going on in the haphazard manner which we have already indicated. The subject is of sufficient importance to deserve illustration:

One man, tried after the armistice, was sentenced to be shot, had his sentence reduced first to twenty-five years, then to ten, finally to three years. Frank Burke, likewise sentenced to death, had his sentence reduced to twenty-five years, then to fifteen. But before further reductions could be made, he had died in prison, his friends believe, as a result of what he had undergone. Two brothers, together most of the time at Riley and Leavenworth, whose cases seemed to themselves and their friends identical, received sen-

tences of twenty and twenty-five years, respectively. Reductions to three and then to one year brought the release of the latter while the brother sentenced to only twenty years remained in prison. Four socialist objectors were tried at the same time, before the same court (at Fort Riley), on the same charge (disobedience of orders) and presumably the same specifications. They were given like sentences—thirty years. Reductions were respectively to five years, three years, two years, and immediate release.

In the month of July, 1919, before and after the second strike, objectors whose sentences under this inequitable process of reduction had not expired were transferred from Fort Leavenworth. Why, it would be hard to say unless the War Department had at length come to see the difficulty of keeping political prisoners confined in the same prison as ordinary offenders against the moral law or against army discipline. No intelligent prison warden ever desires political prisoners of any sort. At the very time that the Department of Justice and the War Department were denying the existence of a class of political prisoners, Mr. John Koren. representative of

the United States on the International Prison Commission to which he was appointed by the Department of State, reported as chairman of a subcommittee of the American Prison Association against the committal of men to jails and penitentiaries for political offenses. He took his stand partly on principle and partly on practical grounds. We quote one paragraph of his report:

"The man who risks conflict with drastic laws for a political conviction, no matter how mistaken he may be from our point of view, or who in obedience to dictates of his conscience refuses assent to service prescribed in time of stress for all alike—such a man, we may judge him harshly or leniently according to our standards, is misfit in any prison. He may not disturb the routine of prison management and discipline, but meekly conform to all that is exacted from him and endure every hardship or deprivation without a murmur. [Not always descriptive of the objector's attitude!] Yet what impression does it leave on the minds of his fellow convicts to witness that the non-criminal is made to fare exactly as the human dregs adjudged guilty of the most revolting offenses? Does it serve to clarify their muddled notions of the meaning and purpose of imprisonment? The rigors to which he is subjected may break the body of a political offender, but is it recorded that his spirit has been tamed, that he has recanted because of the reformative measures employed to teach him concepts of

the state and men's relation to it? One of our maxims is that mere punishment avails not in making straight-living men out of crooks, but what significance other than punishment has incarceration as a common felon in the case of the political offender? It is not by this means that entrance is made to the souls of men and acceptance gained for different ideals." [1]

The great majority of the objectors were sent to Fort Douglas, an army post used as an internment camp for enemy aliens. It was pleasantly located near Salt Lake City, Utah. A few objectors were sent to the military prison at Alcatraz Island and two or three were left behind at Fort Leavenworth. Only the military mind could fathom the reason for separating them. In the release of prisoners, objectors on religious grounds had fared better than objectors on political or rational grounds; yet that was not the principle on which some men were sent to camp and some to prison. At both Alcatraz and Fort Douglas were religious and political objectors. Perhaps the safest generalization would be that the Department intended to intern at Fort Doug-

[1] See *The World Tomorrow*, February, 1920: "What Every Warden Knows," by Winthrop D. Lane.

las those men who had refused to work at Fort Leavenworth while the workers were rewarded with another prison. Even so, there were exceptions.

At Fort Douglas the objectors found that a portion of their camp was occupied by enemy aliens who remained for more than a month after their arrival. They reported much ill-treatment of these aliens at the hands of A. Mitchell Palmer's subordinates in the Department of Justice. The objectors themselves remained under the War Department. They were quartered in the usual wooden barracks, surrounded by a high barbed-wire fence.

Their own taste of renewed conflict with the military came a few weeks after their arrival in camp. They had taken care of the camp but they had not acted under military orders. This régime was interrupted when the commandant, at the time a certain Colonel Byran, made an effort to compel them to work under military orders. Most of the men refused and some were punished by confinement in solitary cells or the guardhouse. Howard Moore was rather badly beaten by a sergeant. His account of the episode

is illustrative of the spirit which then animated many of the objectors:

The sergeant who accompanied me ordered me to clean out one of the solitary cells for my own occupancy. This I refused to do, courteously explaining my reasons, and assuring the sergeant that I felt no antagonism toward him personally, but if the authorities saw fit to place me in solitary, they would have to prepare it. This did not dissuade the sergeant, however, from insisting that his order be carried out. And, feeling that I could be beaten into submission, he proceeded to assault me. I remained passive. The sergeant, after delivering several blows to my body, severely injured his right hand by a blow over my left eye—evidently intended for a knockout. This probably accounts for the confused report that I had had the bones of my right hand crushed. The injury to the sergeant's hand, which forced him to relax his efforts, probably saved me from being beaten into insensibility and suffering all or more than the press reported. As it was, however, I only received a very black eye, swollen head, swollen arms, from a blow by a heavy wooden cover of a toilet pail, bruised skin from a blow on my chest, and had my wind knocked out. That was all. . . .

The beating incident was reported to the authorities shortly after my return to barracks. The executive officer stated that he approved the sergeant's action—that orders had to be obeyed. Later the usual investigation followed. The result I have no means of knowing. From the nature of the investigation, however, I think that it is safe to assume that the incident has been

considered closed—interred along with many others—resting peaceably under a coat of whitewash.

Whether or not the sergeant's statement was accepted as an alibi I do not know. His defense was that I had called him a vile name. Apparently, having no right to touch me for refusing to obey his order, he felt that it was necessary to show some provocation and therefore lied. If he was under oath, he was guilty of perjury. But the poor fellow is only the victim, the tool, of a system, and I have no complaint against him personally and so advised the authorities.

More serious than this affair was the loss of good time which many men suffered. Under prison rules conscientious objectors had received the usual allowance of time off their sentence in return for good behavior. It had not been required of them that they should work. Many who had consistently refused to work under military orders had already been freed when this new attempt was made to compel the objectors at Fort Douglas to obey military commands. This made loss of good time more keenly felt as a piece of unjust discrimination. Yet the men stuck to their principles. Erling Lunde's case is illustrative. His sentence as commuted by the Clemency Board had almost expired. He had earned two months' good time. He had a wife, and a

baby whom he had never seen. It may be imagined how keen was his desire for release. Yet on being ordered to work he steadfastly refused and was confined the extra two months at Fort Douglas. Claude O. Grant had a similar experience. On Sunday, the day before his time was to expire, he was called before the commandant and asked whether he would work under military orders. On Sunday prisoners are not supposed to work anyway, so the question was purely hypothetical. Grant replied that if it were Monday he would not work. Whereupon the commandant revoked his "good time." In consequence he was imprisoned for two more months.[2] The whole business was apparently just a pretext to break the spirit of the men. One of those who did agree to go to work reported that under military orders he did less work than he had previously done as a member of the voluntary conscientious objectors' mess. This effort to save the face of the government continued in one form or

[2] Grant's sufferings throughout his imprisonment surpassed those of the average objector. He was from the very beginning uncompromising in refusing to work under military orders even in prison, and had been confined in Fort Alcatraz for four months. During that period he was given one meal a day, sometimes not that. At the end of that time he was declared temporarily insane and sent to the hospital.

another until the last objector was released, but the first period of active coercion was short.

There was also a time at Fort Douglas, as at Fort Leavenworth, when an irritating censorship with regard to magazines was maintained. Different officers had different standards, and rules changed from time to time. Not only were the orthodox socialist and communist papers banned, but also such liberal papers as *The Nation*, *The New Republic*, *The Dial* as well as the radical religious journal, *The World Tomorrow*. So little posted was one intelligence officer as to the real character of the papers with which he dealt that he once announced, "You can have *The Nation*, *The New York Call*, *The New Republic*, but not *The Dial* nor any other socialist literature."

With the exception of some such incidents as we have recorded, the officers at Fort Douglas treated the men well. One of the objectors wrote particularly praising the executive officer, Lieutenant-Colonel Graham "whose treatment of us is eminently fair, humane, patient and just." The men received during most of the time the rations and lived under practically the conditions of soldiers in barracks. Those who refused to

work under military orders ran their own mess, did their own laundry, kept their barracks clean, under leaders of their own choosing. Their contact with the military was of the slightest. While the number of letters which prisoners were permitted to write was restricted to six a month, books and periodicals were generaly admitted and the men were allowed to use the post library. They were permitted by the commandant to build a stage. They also acquired two victrolas. Dancing and amateur theatricals afforded some relief from the monotony of confinement. Certain of the prisoners showed considerable skill in staging and presenting plays with the most meagre resources. The psychiatrists sent to examine the objectors were guests of honor at one of the dramatic evenings. The objectors profess that during the evening they did some psychic analyzing of investigators. General Pershing was another guest whose reception was rather more indifferent than that to which he was used. During the last few months of their confinement the objectors were allowed by the authorities to take weekly hikes over the mountains, often without officers.

Nevertheless, the long internment began to tell on the men. No longer did they have the tie of persecution to bind them, nor was the work they had to do sufficient to absorb them. Inevitably differences in temperament, points of view, attitude to work, and what not, had their effect upon the nerves and temper of men shut up within a barbed-wire stockade. Some of the more dogmatic radicals displayed considerable intolerance toward those who did not accept their particular creeds or whose attitude toward military orders were more complaisant than their own and whose personal relations with the officers were more friendly. The folly of keeping men who ought to be supporting themselves in enforced idleness at government expense after the crisis for which they were segregated had passed was never more perfectly illustrated than under the mild imprisonment at Fort Douglas. In February, 1920, a serious epidemic of influenza broke out in Utah. The State Health officer called for volunteers. The objectors whose "anti-social" qualities were the stock in trade of their critics offered to serve without pay if they could be paroled from their detention camp for such

service. The War Department did not grant their request and their useless existence in camp went on.

Alcatraz Island, in San Francisco Bay, was a far less desirable place of confinement than Fort Douglas. A good description of conditions there is to be found in a letter from Clark Getts, under date of October 29, 1919:

"At Alcatraz there are about thirty C. O.'s. Five are refusing to work—Grosser, Rodolf, Harderson, Dart, Simmons. They have all served three periods of solitary confinement—52 days—but although each is now overdue for return to the 'hole,' they are permitted daily freedom of the yard and are not so much as asked to work. In the yard they loll about in the warm sun, read *Liberators*, pitch quoits, and grow fat. They are locked in isolated cells at 6:30 P. M., instead of at 8:30, but they have the same food and receive the same treatment as the other men. I judge that they are not being returned to solitary because of the orders of Captain Patterson, a gray-haired and kindly army officer, who has been installed as chief surgeon and psychiatrist at Alcatraz. He seems to be well informed concerning the position of the conscientious objectors and of their treatment and is inclined to indulge them. He assures them each that Secretary Baker and other authorities have meant only to make an example of the C. O.'s, in the interests of the morale, and that since the war is over they may expect release. He has recommended sev-

eral men for immediate release and suggests continually that all will be so recommended if their conduct is good. . . .

"The cell house and mess are kept scrupulously clean, and the discipline is not too burdensome. Alcatraz is not yet a model prison, but in the event of another war I should choose it for confinement before any other I know.

"The irritating features of Alcatraz discipline are (1) the silence system, (2) compulsory church and patriotic singing school, (3) the continuing threat of a trial by general court-martial and an additional sentence.

"The silence system requires every man to keep to his cell whenever he is off duty and to speak to no other prisoner except at mess. The rule is seldom observed by the officers, but a sentry who dislikes a prisoner may invoke it to settle his grudges at any moment, and he is always supported by the officers. The result is a disquieting sense of espionage and oppression.

"The chaplain insists on attendance at church. If a prisoner refuses, he is dragged from his cell and taken to church. If he resists he is taken to solitary. The story of the chaplain beating three religious objectors last December—with his own fists, after they had been dragged to the chapel—is known to you, I suppose. The episode has not been repeated, but the worthy's attitude is quite unchanged, and no one doubts that if a prisoner repeated the Hofers' performance he would be treated to the same experience.

"Violations of rules in a civil prison may cost a man good time or loss of prison privileges, but in Alcatraz and military prisons men may be given *additional sentences!* The objectors who refuse to work have all been

tried, with the possible exception of Grosser, and have been given additional years for the same offense which sent them to jail in the first place—refusal to work under military commands. Each of the five who still refuse to work have been given one additional year by general court-martial (except Grosser possibly), and Rodolf was also given an extra three months' sentence for destroying five cents' worth of government property, namely, a few slices of bread, which he threw down his flush bowl instead of eating them—while he was in solitary confinement. If these sentences are continued as they promise to be, these fellows will be bound to Alcatraz for life. The absurdity of this type of penalty is more than ever apparent in the cases of objectors. . . ."

Getts had earlier written a description of the "hole" and solitary cells at Fort Alcatraz in which the obdurate objectors who refused to work had been confined:

"The 'hole' here is particularly bad. Even the best of cells is damp, foul, smelly, cold and comfortless. In some of the cells, the walls are very wet and slimy, with accumulations of filth and green moss. There are no toilet facilities; a bucket is provided each cell and is emptied once a day only. There is but one small window to give light for the whole row of cells, which are consequently so dark one cannot see one's hand in front of one's eyes. The prisoner must sleep on the damp floor (some of the floors being concrete, but others bed rock), and is provided with two blankets—insuffi-

cient for this climate, evidenced by the fact that four are provided for the warmer and dryer cells upstairs. The place is infested with vermin as at Leavenworth, and large rats are numerous. Grosser has sense of humor enough to lie awake nights and play with them, he says—but men are known to go insane in the dungeon, and the reason is self-evident. The food allowance is 18 ounces of bread and a pitcher of water per day. Men who have been in the hole tell of the straight jackets, wrist and ankle chains, the latter with the ancient ball attached, and other relics of the age of body torture of which the hole is made the storehouse. A very pleasant atmosphere for one placed in that condition!"

Getts' account is fully confirmed by a long report from the Reverend Robert Whitaker, which appeared in the San Francisco *Call and Post*, September 20, 1919. He writes:

". . . Moreover, the conditions with respect to solitary confinement are such as the public would not tolerate if they really understood the facts. The dungeon has been done away in the main, although it has been used for brief periods of late. I was told of three cases in which it has been used. In one instance for two or three days, and the other instance for eight days. When the investigator, Mr. Phillips, came the third time men were in the dungeon, but were hurried out before he appeared. . . .

"Men are kept in solitary for 14 days at a time and

given only bread and water during this period. They are taken out of solitary and forced out of doors, where they are exposed to the rigorous winds on the windward side of the island for 8 hours of the day. Then they are thrust back into solitary again for 14 days, and the whole process repeated over and over again. One of the men with whom I talked had in this manner put in 48 days in solitary. If the object of this treatment is to break down their sanity and increase the number of insane people in California, it is admirably adapted to it."

Mr. Whitaker follows this description of solitary confinement with a reasoned argument as to the iniquity of the government policy in the matter of good time and re-trials of prisoners:

"These men have been tried for refusing military service. They have been sentenced to various periods of imprisonment—two and three and five years or more. It is an axiom of law that a man cannot be tried more than once for the same offense. Yet at Alcatraz all of these men are being tried over and over again, and their terms indefinitely extended, for what constitutes practically the original offense. They have taken their stand on a matter of conscience, and had accepted sentences for the same, but after a few days they are given orders, which, if they obey, nullify their original stand. Thereafter, if they refuse to obey, they are dragged before a court-martial and another six months or a year, or even five years, is added to their term. The present trick seems to be to bring them be-

fore a court-martial every four weeks, and to practically insure for them life imprisonment, although the courts had no such intention. . . .

"It is practically as if a man were sentenced to three years in jail for being a vegetarian, and then, after he got in jail, were offered two alternatives of either eating meat or being sentenced over and over again to other periods, so as to make his term a life term.

"To make matters worse, the court-martial is not a general court-martial, in which there is a regular board instead of officers and a regular procedure, but instead what is called a 'summary court-martial' is used, in which one officer acts as judge and jury, counsel for the prosecution and counsel for the defense. Indeed, as one of the boys wittily remarked, 'This officer does everything but the time.'"

After publicity had forced the military to refrain from the use of the dungeon or solitary cells for punishment of those who refused to work, some ingenious officer conceived the idea of building cages for recalcitrant prisoners. These cages are so constructed that a man can neither lie down, sit down, nor even turn around, but is forced to remain in a standing position. By about the middle of January, 1920, they were ready for use. At this time the War Department had receded from its untenable position of resentencing those who refused to work. Only two

of the extremists were left: the others, for one reason or another, had been discharged or had gone to work. These two men were Grosser, an aggressive and determined political objector of Jewish race who, since being drafted, had suffered many things in guardhouse and prison, and Simmons, a Negro religious objector. Into the cages they went, enduring conditions of confinement not imposed upon animals. Again protest began. California papers took up the matter. But to no avail so far as the destruction of the cages was concerned. Simmons, to be sure, was unconditionally released, and Grosser at last went to work, when he felt himself going insane. But the cages remained—ready for use.

The other prisoners at Fort Alcatraz who worked made no special complaint up to the time of their release.

Some military prisoners, among them a few who claimed to be conscientious objectors, were confined in the Federal penitentiary instead of the Disciplinary Barracks at Fort Leavenworth. For some reason the War Department regarded confinement in the penitentiary the severer punishment. The best known of these men was

Brent Dow Allinson, a trophy of the bow and spear of the New York *Tribune*. While he had opposed our entry into war, he was originally so far from being an absolute objector that he accepted a minor post in the American Legation in Switzerland. The *Tribune* discovered a letter he had written in a college anti-militarist paper and published it. Although a copy of this letter had been sent to Mr. Baker at his request, previously Allinson's appointment was revoked and he himself was summarily drafted for service. Ultimately reached the penitentiary by the court-martial route. His notoriety and perhaps certain personal characteristics combined with a chivalrous espousal of the cause of other prisoners whom he thought persecuted, won him a peculiarly severe prison treatment. He was not released until after his health had suffered from his harsh experience. Shortly after his release he went under commission from the Friends to do relief work in Central Europe.

All these last months the policy of releasing individual objectors continued. Some got out on expiration of sentence, some on parole, some on special order of the War Department, without

explanation. Some were given one-third "good conduct allowance" off their sentences; others were told they would be held to serve the limit of their sentences because of "unsatisfactory conduct."

For the continued confinement of some objectors when their companions had been released there was no reasonable excuse. At various times the War Department explained: (1) that these men were convicted of what would have been offenses under civil law (presumably the Espionage Act); (2) that they were social revolutionists; (3) that they refused to perform the duties necessary for their own upkeep and would not be released until they obeyed. This on the ground that men who would not obey in prison would not be good citizens. None of these explanations was ingenuous or convincing. Perhaps some of the men did make statements to officers which would have violated the Espionage Act as it has been construed, but these replies were made only in answer to questions, and in fairness were "privileged" and not actionable. Some of the men were social revolutionaries who might have fought in a class war, but they were comparatively few

in number and others holding similar views had been released.

As for the third reason, it was the pettiest of all. It was moreover a deliberate attempt to mislead the public as to facts. Men at Fort Douglas did the work necessary for their own upkeep. But they refused to work under military orders and that for conscientious reasons. While they were imprisoned a sympathetic American correspondent quoted a Polish official's story of the intolerable autocracy of the Russian Czardom. His father had been ordered with other Polish gentlemen to shave of his mustache. Upon refusal he was arrested, forcibly shaved and sent to Siberia. "Do you suppose," the Polish official asked, "that my father went to Siberia for his mustache? No, my father went to Siberia for his rights as a Polish patriot, as a protest against arbitrary invasion of his personal liberty." In the same way the conscientious objectors refused to work under military orders, not because they were unwilling to work, but in an effort to maintain their devotion to the principle of freedom of conscience. "We feel," wrote a number of prisoners, "that in addition to

abandoning our principles, it is sheer cowardice to do in time of peace that which we steadfastly refused to do in time of war." The insincerity of the government's position was further shown in its failure to speed the release of men like Allinson at Leavenworth and Haessler at Alcatraz who never refused to work.

In spite of these excuses, in spite of the opposition to release of objectors which flared up from time to time in the press or in the ranks of the American Legion, in spite of the relatively small number of Americans actively concerned in behalf of the objectors, the uselessness of their further confinement became more and more obvious. Active opposition to the objectors ebbed earlier than to other political prisoners. They were a nuisance to any government. You never could tell what they might do.

There was Ben Salmon, a Roman Catholic and single-taxer, and on both grounds an objector to war. In July, 1920, he determined to hunger strike. He had previously refused even to cook his own meals, but a fellow objector at Fort Douglas had done it for him. The release of this objector ended their curious arrangement and

precipitated the strike. Since Salmon did not believe in violence he did not resist forcible feeding. He was resolved, however, that he would not help the government to hold him a prisoner by so much as eating. The War Department had tried every means to persuade him to eat. Finally it transferred him to the government hospital for the insane in Washington. After three month's observation the doctors finally pronounced him sane. He persisted in his refusal to eat until his release in November, 1920. That was the most dramatic event of the last months of the imprisonment of objectors. It attracted continually increasing attention. The Civil Liberties Bureau took his case into the District of Columbia courts on a writ of habeas corpus. The case was pending when Mr. Baker released Salmon and the rest of the objectors.

The final end was preceded by a renewal of the effort to get the men at Fort Douglas to work under military orders with the hope of amnesty held out as bait. Under the pleading of relatives and friends some few men gave the government this nominal satisfaction. The remaining thirty-one did not. At last on November 23,

1920, two years after the signing of the armistice, fifteen months after the release of the last of the English objectors and two weeks after the overwhelming repudiation of the Wilson administration at the polls, these men, thirty-one in number were ordered released, without any official statement from the President or the Secretary of War. Grosser at Alcatraz was kept several days after the order of release was signed.

There were some expressions of approval and some of condemnation, but on the whole the public was interested in other things. Friends of civil liberty could concentrate their attention on the cases of prisoners under the espionage law—thirty-three of whom are still in jail today (October 1, 1923).

The objectors had little trouble being absorbed back into a normal civil life. For some kinds of employment they were handicapped, but for the most part the fury of persecution had spent itself. One of the outstanding examples of intolerance was furnished by Columbia University. Harold Gray, an objector whose college course had been interrupted by the war—he had worked in the Y.M.C.A. camps before our entry into the war—

desired to finish his studies in New York. Columbia refused him admittance. Gray reports that Dean Hawkes told him: "You realize that men of your views help to color the university, and that in so far as you color the university you make it exceedingly difficult for us to raise funds." Gray applied to Harvard, was admitted, and in due course was graduated.

A few other men suffered socially or in the effort to get work. Iverson, a western farmer, was threatened by a local mob on his return from prison. There was less of that sort of thing than had been feared. There was no need of relief work for objectors or their families. The immediate problem of the conscientious objectors was ended; the philosophical problem of conscientious objection remained.

XIV

THE NATION AND THE OBJECTORS

Most of those who worked for fair treatment, not only for conscientious objectors, but for those worse sufferers, the political prisoners under the Espionage Act, would have to plead guilty to bitter resentment against individuals in high office for their disloyalty to elemental justice and humanity. Yet in the retrospect it must be admitted that individuals—even the most powerful—were more or less pawns in the hands of the mighty passions they had unloosed to goad the people into war. That fact should be borne in mind in any critical appraisal of a Secretary of War who told a committee after war had begun that he was so sympathetic with the feeling of men who would not take life that he had refused to carry a revolver to protect himself against possible spies and cranks, but

who ended his career by refusing even to consider a general amnesty for conscientious objectors or soldiers convicted of minor breaches of discipline, by supporting an antiquated and barbarous penal system, and by declaring his belief that universal military training and service was an excellent thing for the country. It is an old story. The system—the army—proved bigger than the man. It did not break him; it bent and molded him. At the end of Mr. Baker's career it was often said the voice was the voice of Newton D. Baker, but the will was the will of the chief of staff. Mr. Baker was not the contemptible weakling depicted in the *Encyclopædia Britannica.* He had some ability and more cleverness. But he was not a man of real strength. He was an adept at evading issues he was not strong enough to meet. And he found security within the law. His essential weakness was apparent in the magnitude of the war frauds he failed to detect or prevent. His cleverness proved useful in persuading himself and some others that because he had been a liberal what he did was liberal. He had made concessions to conscience; the "real" objector had accepted his terms. Men who did not accept

what he offered impugned his justice and deserved no mercy. They were not conscientious objectors but recalcitrant soldiers.

Mr. Baker convinced himself that he was more liberal in his treatment of conscientious objectors than the general opinion of the army or of civilians thought proper. That may have been true of the earlier stages of his dealing with the problem; it was less certainly true of later stages. What he did not understand was that a bolder course would have informed and guided public opinion. His timidity declined the issue. The story of the officers responsible for the outrages at Camp Funston is illustrative. First, the Secretary decided that the guilty officers should be dishonorably discharged, but owing to pressure brought by their friends he changed their punishment to an honorable discharge and never published the official findings in the case. In consequence those discharged for brutality, with the help of members of the American Legion, who only heard one side of the case, were left free to spread about the country an apocryphal story of the injustice done them. If the Secretary had taken a firmer course he could hardly have been

more savagely attacked by the men whom he discharged. His procedure denied him the support of Americans not in favor of brutality. This fear of adopting a definite line of conduct toward the military was one factor in making a man celebrated as a leader among American liberals officially responsible for a policy which in its final working out was discriminatory, vindictive and often brutal.

Much of the detail work as regards conscientious objectors fell into the hands of Assistant Secretary F. P. Keppel. He had a truer understanding of the problem than his chief and more real tolerance. He personally rectified many wrongs when they were brought to his attention. But he lacked the effective support of his chief and of the military who were inclined to resent many of his modern ideas with regard not only to conscientious objectors but also to other matters of personnel. The military had the ear of newspaper editors. All sorts of stories were circulated against Mr. Keppel. He writes in an official report:

> The newspaper stories and addresses by excited people made some of the most preposterous charges; for

example, that my interest in the matter was because my wife was a Mennonite which she is not; that the department had printed an order in German for the convenience of slackers; that the whole policy was I.W.W. propaganda in disguise.[1]

Although Mr. Keppel felt the injustice of such stories, he was not anxious that organizations like the Civil Liberties Bureau should be active in circulating true stories of conditions in camps and prisons which might have won him support for his more liberal ideas. The long and short of it is that he probably did about all that could be expected of a man in a subordinate position whose main interest was necessarily in the operation of a military machine rather than in liberty of conscience.

The one man who might have been expected to respect conscience and to mold public opinion to a better understanding of conscientious objection was Woodrow Wilson, the President of the United States, and Commander-in-Chief of its military forces, prophet of democracy, champion of a war in which he declared "we fought for the right of men everywhere to choose their way of life and obedience." To the tragic record

[1] Statement Concerning Conscientious Objectors. *op. cit.*

of his failure the treatment of conscientious objectors does not contribute as black a page as the treatment of prisoners under the Espionage Act. Toward Debs and the others he felt and expressed a positive vindictiveness. It was as if they had sinned against the Holy Ghost in disputing his justification of the war. Or possibly it was as if by his harshness toward them he could silence the secret and lingering doubts of his own motives and acts which neither his eloquence or the applause of the militarists could wholly stifle. He who dared to proclaim abroad America's faith in freedom of speech and opinion used none of his great power and greater influence to modify the cruelty of our espionage law or the preposterous rigors of its enforcement.

President Wilson's policy toward conscientious objectors was better than his treatment of Debs by so much as Newton D. Baker was a better man than A. Mitchell Palmer. What initiative if any the President took with reference to objectors we do not know. On a few occasions he discussed specific complaints of cruelty with visitors and afterwards with Mr. Baker. It is possible that the order abolishing manacling was the

result of an interview which Mr. Wilson had with Mr. Baker before sailing for the Peace Conference. It is possible, though not probable, that if he had kept his health he might have hastened the release of the objectors, but there is no doubt that the early stages of the War Department's arbitrary post-war policy were approved by him and the fiction that the emergency of war would not end until his treaty had been ratified was dear to his heart. That fiction was the excuse for many sins against civil liberty in America.

But when all this has been said, it is still speculative whether any President or any Secretary having willed or accepted war could have greatly liberalized public opinion in its attitude toward objectors. One of the loftiest of the President's speeches was delivered to inaugurate the fourth Liberty Loan drive in September, 1918. Yet it was not the beauty of justice which the President preached, but the duty of hate which the billboards proclaimed that was the power in the propaganda behind the loan drive; and it was that spirit which triumphed at Versailles. Under these circumstances one does not look for public appreciation of social heresy.

As it was, the public apprehension lest any one should escape the draft was ironic commentary on the belief that the majority of men fight for glory or ideals. Some men do fight as crusaders and it pleases others to be told that they do. But if war brought to the average soldier its own rich rewards, the mass of mankind would not have been so concerned lest any one escape the glory to be won at the cannon's mouth. Most men fight only because of a stern sense of duty, or through fear of public opinion, or in some cases under threat of punishment. In any case they seem inclined to take it as a personal injury if another man escapes. Even more is this resentment felt by the stay-at-home who has escaped conscription. That is the characteristic of the crowd-mind.

Newspapers played upon this feeling by the kind of publicity they gave to the problem of conscientious objection. All objectors were "yellow," slackers, pro-German, traitors. With few exceptions the press opened its columns to denunciation and misrepresentation masquerading as news with the same enthusiasm as it closed its columns to accounts of the persecution

of objectors. In short the papers in this matter as in so many others lived up to their sinister rôle as creators and spokesmen of the mob mind. One result was that the legislature of a state like Kansas, which had steadily opposed American participation in the war, resolved after the war to memorialize Congress against the admission of any immigrants who might become conscientious objectors. William Penn would have been deported if these Kansans could have had their way.

It might have been expected that after the war was safely won public feeling would have speedily died down. As fear is the basis of cruelty, the common man is inclined to become merciful when danger is passed. American losses were relatively small. Most of the American boys had come back in a blaze of glory. The people of the victorious North had the proud memory that after the Civil War no one had been sentenced to death or even imprisoned for treason. Why, then, was such a people content to maintain a small army of political prisoners?

The reason, one suspects, lay partly in the paradoxical fact that this war which was so gener-

ally supported was unpopular. It became more and more unpopular after the signing of the armistice. If Americans had won the ideal ends for which thousands of them fought, they might have been inclined to be generous; but an uneasy and half-unconscious sense that they had won a military victory without achieving any worthy end was to no small degree responsible for the continuing feeling of irritation against those men who dared to refuse service in the war.

A more compelling reason lay in the anti-Bolshevik hysteria. The hate felt for the Hun easily passed over to hate for the social revolutionist. Some conscientious objectors, particularly some who had been well advertised, were political radicals. Perchance among the conscientious objectors in jail there were reds. Better take no risk. It is always easier to keep a man in jail than to get him in again. There can be little doubt that public opinion would have good-naturedly sanctioned an amnesty for political prisoners, at least for conscientious objectors, if there had been less social unrest—while if there had been more unrest an amnesty would have been granted as a concession to it. This was the

case abroad. England's earlier release of objectors may also have been due to the fact that men had suffered so much that they were past the stage of petty revenge or personal irritation which had characterized their attitude toward conscientious objectors in the earlier stages of the war. England's objectors, moreover, had had more time and opportunity to make the nature of their position clear.

All these circumstances help us to understand and to excuse American public opinion. They do not in equal degree help us to forgive the almost total failure of a stalwart minority of liberals to function in this crisis.[2] In England, in the dark days of the war, labor leaders like Robert Smillie and George Lansbury, intellectuals like Gilbert Murray and Arnold Bennett, great lawyers like Lord Parmoor, high churchmen like Lord Hugh Cecil, stood steadfastly for the ancient principle of freedom of conscience. In America the defense of the conscientious objectors was left almost wholly to religious sects such as Quakers and Mennonites, and to political radicals and pacifists. At no time following the

[2] See Harold Stearns' "Liberalism in America," Chapter I.

armistice would it have been possible to get notable signatures to a petition in behalf of conscientious objectors such as was signed in England by writers like Hilaire Belloc, Arnold Bennett, John Galsworthy, G. Bernard Shaw; labor leaders like Arthur Henderson, J. H. Thomas, Robert Williams; twenty bishops of the established church; leaders of the free churches and many other prominent men and women.

Before the war ended Gilbert Murray made a notable addition to the literature of freedom in his *Hibbert Journal* article, on "The Soul as It Is and How to Deal with It." Professor Murray's firm belief in the righteousness of war and England's position in it did not hinder him from speaking in terms of sympathy and respect of two great passive resistants, M. K. Gandhi and Stephen Hobhouse. No man of like standing has performed a similar service in America.

John Dewey used his pontifical position among young intellectuals to misinterpret and almost ridicule the objectors whose case he, the prophet of the new education, did not understand.[8] No wonder Randolph Bourne in his loneliness was

[8] *The New Republic,* July 14, 1917. Prof. Dewey later championed the cause of political prisoners.

inspired to write "The Twilight of the Idols!" After the war Dean Stone of the Columbia Law School, in an article which is in some ways a valuable contribution toward a liberal solution of the problem of conscientious objection, expressed little but irritation for the group which he called "college pacifists," although their position was precisely that of Hobhouse and other absolutists who won praise in England. It is not fanciful to take the difference between Gilbert Murray's article written during the war and Dean Stone's article written months after, as characteristic of the difference between English intellectual liberalism and its nearest American equivalent.

Perhaps the most striking and widely read plea for justice to the conscientious objector in America which did not emanate from a group which was itself tinged with pacifism, was written by William Hard under the title "Your Amish Mennonite." [4] Mr. Hard makes a notable plea for decent treatment of these men, but at the same time he is at pains to write:

"I would not permit Jesus Christ himself, as man, however much I worshipped him, to escape his obliga-

[4] *The New Republic,* February 1, 1919.

tion of military service without doing some alternative service. If he refused to do it under military orders, I would offer it to him under civilian orders. If he refused to do it under civilian orders, I would confine him in civilian surroundings appropriate to his character, which by no stretch of mendacity can be called that of a criminal. I would confine him for a period somewhat longer than the military service period."

This statement comes near to being the high water mark of American liberalism as distinct from the more radical position taken by a few men who believed that the state ought not to conscript the absolute objector to military service.

More noticeable was the failure of the Christian church in America to speak even in behalf of mercy for the imprisoned objector.[5] In May, 1917, the Federal Council of Churches of Christ in America, which is fairly representative of the Protestant churches, held a meeting of its administrative council. In response to a request from a few men who saw what lay ahead that body adopted the following resolution:

"The churches have declared themselves through the Federal Council for the utmost possible extension of

[5] There were a few individual clergymen who were far bolder than the church as a whole.

democracy. Therefore it is incumbent upon them to safeguard the spirit of democracy in the stress and strain of war time. . . . When the state compels men to military service it raises the ancient religious question of freedom of conscience. The churches which have furnished martyrs for this principle are under particular obligation to see that the conscientious objector is allowed such noncombatant service as does not violate his conscience. On both sides of this issue those who seek to apply the teachings of Jesus to a critical situation must grant both freedom and respect to others who interpret them differently."

It is doubtful whether even this resolution which allowed no place to the absolutist could have been adopted at a later date. It was from the beginning a scrap of paper, and neither the Federal Council nor the General War-Time Commission of the Churches gave any aggressive or effective help during the days when a small body of liberals was struggling for a more humane treatment of conscientious objectors and other political prisoners. On the contrary, the writer can testify from his personal experience that it was easier to talk with military officials and representatives of the War Department on this subject than with high officials of the Christian church. Military officers were usually realists.

Many of them respected the fact that they were dealing with men who had proved themselves possessed of considerable courage,—a courage which some of the officers frankly admired.

The average churchman was a romantic patriot and a complete sentimentalist. He was neither willing to investigate nor to accept the result of others' investigations of the conditions in military prisons. Bishops, who trace the origin of their office back to a certain rebel who declared that we ought to obey God rather than men, argued as if the objector to this holy war was scarcely entitled to humane consideration. The writer once heard one of the leaders of a great Protestant denomination, a man supposedly interested in social well-being and especially in the cause of peace, declare in a meeting at which the sufferings of the objectors were reported: "If a man will work, then he is a conscientious objector and entitled to some consideration; if he will not work [that is, if he is an absolutist], then he is a traitor."

These were not exceptional cases. In the early months of the war a questionnaire was widely sent out to leading churchmen both of the

clergy and of the laity. The questions asked related to the best methods of dealing with the conscientious objector. It was difficult to classify the responses because many of those who replied took occasion to write a little lecture on patriotism rather than to answer the questionnaire. The majority of those who replied favored alternative service. Almost no one was willing to show any mercy to the absolutist, and most of them were inclined to hold that the only conscience worthy of respect was religious. The political objector got short shrift. Here are a few sentiments quoted somewhat at random from men whose names would be widely known were they to be published: One says, "The real conscientious objector is unbalanced. True Christian churchmen are dying for Christ." His own motto would be "Strike till the last armed foe expires." Yet these churchmen accepted without protest exemption granted to clergymen on account of their cloth. Another church leader opines that he would "deal tenderly with the *real* objector and youths not yet able to think it out." Still another of Christ's disciples gives a rather reluctant consent to alternative service for sincere objec-

tors, but holds that the soldier can fight without personal responsibility and that his qualms are therefore without foundation. Let us repeat that the men to whom this questionnaire went were on the whole the more progressive among churchmen. The result ended hope of any leadership from the church in a liberal solution of the problem of the objector while the war lasted.

After the armistice, however, friends of the objectors began to hope that the churches out of pity might make some protest against the manacling of men in military prisons whose only offense was that they like the Christian of the first two centuries, would not take part in war, would not even burn a nominal pinch of incense on the altar to Cæsar. It was in vain. For inability to understand devotion to conscience nothing in the War Department exceeded the following letter to an inquirer from the General War-Time Commission of the Churches:

FEBRUARY 15, 1919.

The Executive Committee of the General War-Time Commission has been interested in the matter of conscientious objectors and has appointed a subcommittee to investigate conditions. At a recent meeting a chaplain from Fort Leavenworth was specially invited to be

present and to speak on the subject. The Committee was interested to learn from this chaplain that the chaining of prisoners to the bar of cells to which you refer had been done only where prisoners had chosen that in preference to work. The subcommittee is at present at work on a statement which will probably be presented to the Executive Committee at its next meeting."

Months later, a committee of the Federal Council of Churches did adopt a carefully phrased resolution in favor of amnesty for "conscientious objectors that are beyond question sincere" at the "time of the signing of the treaty of peace." It never gave that resolution any such support as it gave resolutions with regard to the number of chaplains, and the location of camp churches.

The official ecclesiastical bodies were worse than the unofficial Federal Council. The Presbyterian General Assembly in May, 1919, took time to adopt resolutions looking toward justice for Ulster, but it had nothing to say for conscientious objectors. The Congregationalists, at their Council, were concerned for the fate of the Armenians, but did not even consider men persecuted for conscience' sake in their own land. The Lower House of the Episcopal General Con-

vention threw out with a whoop a cautious amnesty resolution which, to its credit, the House of Bishops had adopted. The Catholic Church was rigidly silent in the matter, although at the time of the Washington Conference on Limitation of Armaments the Vatican revealed the fact that it was, and had been during the war, of the opinion that conscription, sometimes called a "blood-tax," must be abolished in the interest of peace.

If such was the attitude of the churches, it is scarcely surprising that chaplains and Y.M.C.A. secretaries were, as a rule, to be numbered among the persecutors of the objectors. One objector, by no means unfriendly to the church, writes as follows:

I think it was a common experience of conscientious objectors that their most bitter and intolerant enemies in the army were the chaplains and the Y.M.C.A. men. No doubt there were individual exceptions, but I believe this enmity was the general rule. I think these representatives of 'the church in arms' must have felt that the very existence of the conscientious objectors implied a vital criticism of the whole program of these militant churchmen. Many of our own were bitter in return; for they felt that they had a right to expect some tolerance and understanding from these professed religious workers, even though they differed from us on

the war issue; and in practice they found that they were less understood and more contemptuously despised by these men than even by veteran soldiers who made no profession of allegiance to the principles of Jesus.[6]

This sentiment might be duplicated from the testimony of many other conscientious objectors. It was a common practice in camps for officers to use Y.M.C.A. secretaries as a kind of court of inquiry to determine the sincerity of conscientious objectors. It was a task in which they did not shine. Some optimists expected better things of the Y.M.C.A., because its head, John R. Mott, had been the prime mover in the establishment of the uncompromisingly pacifist Fellowship of Reconciliation in America. He knew the record of members of that organization in England; he retained his own membership in it until Congress declared war and for some time thereafter he still employed pacifist secretaries and prospective objectors in certain kinds of work. A few of his associates in high places in the Y.M.C.A. belonged to the Fellowship until a member of the board of directors, essaying the rôle of detective, brought about their resignation from the pacifist

[6] From William Arthur Dunham.

society. Unquestionably Mr. Mott and his associates were conscientious in abandoning or declaring a moratorium on their pacifist principles. Thus they were enabled to serve the soldiers by selling them cigarettes and sweet chocolate and by giving them entertainment and exhortation warranted to keep up their morals and above all their morale.

The great organization to which they dedicated their energies let no false scruples interfere with its ministry to the body, mind and spirit of men at war. We owe to an army Y.M.C.A. physical director, A. E. Marriott of Camp Sevier, an invaluable little manual on "Hand-to-Hand Fighting." The author lists the chief points of attack with appropriate comment. Thus: "Eyes. Never miss an opportunity to destroy the eyes of the enemy. In all head holds use the fingers on the eyes. They are the most delicate points in the body and easy to reach. The eye can easily be removed with the finger."

It is quite possible that Mr. Mott never saw this particular handbook of the Christian soldier; it is entirely likely that he used his influence and authority to instill ideals into his secretaries and

to moderate their intolerance toward conscientious objectors. But it is to be feared that from the point of view of liberalism—or shall we say Christianity—Mr. Mott was scarcely as successful with his machine as Mr. Baker with his army.

The conclusion is inescapable; if the state did not prove itself the exemplar of what many had thought were American traditions of liberty of conscience the Christian church did worse. What the churches gave us was a thoroughgoing religion of the state. They beat the drums outside the recruiting office. They preached war in the name of the pacifist of Nazareth and hate of the Hun in the name of the lover of men. Exceptions among the preachers were few and far between and the exceptional man until long after the armistice usually paid a surer price for his heresy to the authority of the state than for any heresy to the moral authority of Jesus.

Labor recovered from the intolerance of war hysteria faster than either "intellectuals" or churchmen. It needs liberty in its own affairs; it is chronically a conscientious objector against injunctions! During the war a deceptive prosperity and a real patriotism kept labor quiet.

After the war labor was slower than in Europe to take up the question of amnesty. Naturally the more radical unions began first. It was not until March, 1920, that an official committee of the American Federation of Labor made public efforts to obtain an amnesty for political prisoners including conscientious objectors. But that was an early beginning as public opinion went in America, and the committee (in which Mrs. Lucy Robbins was the moving spirit) did efficient work.

Indeed it sometimes seems surprising that the cause of amnesty or even of humane treatment for objectors made as much progress as it did in the face of the more or less passive hostility of the general public, and the active hostility of the American Legion and of numerous societies of patriots and profiteers. The press was closed to the truth. Most newspapers deliberately refused to publish statements of the manacling of conscientious objectors in solitary confinement and other prison abuses even after the armistice. To the New York *World* goes the credit of publishing the first widely circulated story of conditions in Leavenworth. That service it performed

as early as December, 1918. The brunt of the struggle fell on small groups. Individuals like Anna Davis of Brookline, Massachusetts, and Theodore Lunde of Chicago, groups like the Friends of Conscientious Objectors in New York, liberal magazines like *The Survey*, *The Nation*, *The World Tomorrow*, and *The New Republic*, the more progressive labor papers, organizations like the Civil Liberties Bureau nationally, and the Bureau of Legal Advice locally in New York—these bore the brunt of the agitation for the objectors.

Both the Civil Liberties Bureau and the Bureau of Legal Advice were raided by agents of the Department of Justice in August, 1918, on suspicion of hindering the prosecution of the war. A certain dollar-a-year patriot then attached to the Department of Justice and later to the Military Intelligence, Archibald Stevenson by name, was the most zealous of the raiders. No prosecution resulted from the raid. Mr. Stevenson managed to tangle the papers of the Civil Liberties Bureau so badly that the agents of the Department of Justice were obliged to get the help of its director, Mr. Baldwin, then under arrest as a

conscientious objector, in straightening them out. But like many another great man, Archibald Stevenson was nothing daunted by this initial failure. Persistence as one of the chief of the inquisitors finally made him notorious as secretary of the Lusk Committee—a New York State legislative committee investigating radical activities. The general ridicule which attended that committee's report marked the turning of the tide of hysteria, at least in New York State. Those who know the inside story of the struggle for civil liberty will always be grateful for what Mr. Stevenson did for liberty by the extraordinary tactics he used against it.

But the ultimate release of the objectors was due less to the mistakes of their persecutors or the energy of their friends than to the patience and courage the objectors themselves displayed and the sheer folly of their indefinite confinement.

XV

CONSCIENTIOUS OBJECTION AND THE FUTURE

We should not be the practical folk that Americans are generally supposed to be if we did not ask concerning conscientious objection the question, Was it worth while? Will the stand of the objectors influence the future? Would the objectors themselves take their positions over again? Some such questions lay behind the first chapter; they must be the questions behind the last.

During the war the newspapers reported that a considerable body of conscientious objectors in a Middle Western camp, enlightened as to the necessity of a war for democracy against imperialism by the enormities of German militarism as revealed in the treaty of Brest Litovsk, abandoned their scruples and asked for combatant service. (One can only hope that their regiments were not among those later ordered to Archangel or

Vladivostok in support of a policy even more imperialistic than the treaty of Brest Litovsk.) Other objectors were similarly tempted at one time or another to abandon their position by the eloquence of Mr. Wilson, the apparent futility of their stand, and the possibility that the war was really furthering social ends dear to their own hearts. But the objectors who stood fast never felt that the result of the Great War and the negotiation of the Treaty of Versailles discredited their judgment on this particular war or war in general.

That is not to say that objectors have escaped the wave of disillusionment which followed the war. The soldiers whose ideals led them to the trenches have seen no victory for lasting peace. By their efforts the world was not made safe for democracy nor was democracy itself made safe for the world. The objectors whose consciences led them to the guardhouse and the prison have not seen their ideals generally accepted. They have not even seen general recognition that their cause was social. Liberals who advocated tolerance failed to understand that objectors fought in their own way for a social principle as important

as any which sent men to war. No historian of conscientious objection can fail to insist—even at the risk of repetition—that the objectors were not mere egocentric individualists but were men possessed of strong social feeling. The best of them never said: "Though the world perish I will save my own soul." Individualistic they were, like all men who stand against the crowd. Dogmatic they were, like all brave souls who in the complexities of a difficult situation fall back on principles which seem to them well founded, and say with Luther: "Here stand I; I can do no other." But they said that as a rule because of their vision of the Kingdom of God, or of the brotherhood of man, or of the inviolable sanctity of human life, or the social uses of non-violent resistence. Even the narrow sectarian, thinking of his immortal soul, thought also of loyalty to his church which embodied for him a social tradition of authority and beauty.

As the objectors had their own loyalties they were no less than other men subject to elation or discouragement as they looked out on the march of events. To prove that they were masters of their fate, and captains of their souls was not and

is not enough for men who care to see peace and freedom come to a world:

> Swept with confused alarms of struggle and flight
> Where ignorant armies clash by night.

There was a handful of objectors at the extreme left who regarded objection as merely an incident in the class struggle; some of them from the beginning and others under the influence of Russian communist precept and example defended both violence and conscription as legitimate tactics for a revolutionary government or a proletarian dictatorship. The stand these men took was a mere episode in the class struggle and its significance now and in the future is bound up with the ideals and tactics of that struggle. In another great war some of them would perhaps serve as soldiers in the hope that thereby they might influence soldiers and win them to a social revolution. An increase of keen and determined objectors of this type may militate against new international wars between imperialist powers. It will indicate no diminution in men's faith in the efficacy of conscription or of violence as means to their ends. One of the results of the

government's policy toward conscientious objectors was to increase slightly the number, and decidedly the vehemence, of these militantly-minded believers in social revolution.

At the extreme right of the objectors was the large group of members of pacifist religious sects. Their quarrel was with war rather than conscription *per se*. To most of them the significance of their struggle was that God once more had supported His church in all her afflictions and had in His own time delivered her out of them. They were not therefore heedless of the rest of mankind. The official Mennonite record, "Mennonites in the World War or Non-Resistance Under Test," breathes a missionary spirit. God overrules for good. "Our brethren . . . were made to suffer, but in the majority of cases their trials proved to be blessings." God expects His followers still to bear witness that "true preparedness is not in armies, . . . but in trust and obedience to the living God. If the United States had been right with Him, Germany could never have touched us to our hurt." The Lord wants the spread of sound doctrine—"unless she [the Mennonite Church] wakes up and does the will of the

Lord in this she need not be surprised if God withdraws His Blessings." There can be no question that the young Mennonites and other sectarians who were tested by suffering have brought into their own communities this new spirit of earnestness and concern for mankind.

Less preoccupied with the church, and more with social well-being, were those objectors to conscription—religious and humanitarian—who were generally radical in their political viewpoint and opposed to this war in particular as well as to war in general. They have gone back to work in our everyday world. Most of them have identified themselves in sympathy, and some of them in action, with the cause of labor. They bear their testimony in behalf of peace, prison reform, and sovereignty of conscience over the arbitrary power of the state. But the argument against war has come with more weight from men who themselves were engaged in it, and the cause of prison reform has found more eloquent advocates in men to whom it is the great issue of life. Among these objectors there were men of ability but there was none who possessed that rare thing

called genius; and something of that quality would have been necessary to interpret to a prejudiced and preoccupied world the inner and outer experience of men who stood apart from the crowd in days when the passions of war fused and molded men's fears and thoughts and aspirations.

Another reason that little has been accomplished by the objectors in time of peace was advanced by an absolutist. In camp and in prison they were able to simplify life and to reduce it to terms of their ideals in relation to the one great issue of a war into which an external force tried to coerce them. Freed, they faced a more complex problem. America was nominally at peace yet the texture of life was shot through with the same strands of exploitation, parasitism, prejudice, and divisive group loyalties which wove the web of the Great War and are destined—if unbroken—to weave the pattern of a greater. Against war the objectors had stood out from society for their conception of what society might become; against the abuses of peace no such protest, no such differentiation of the individual from the group, was possible. The adjustment

to peace conditions was harder and the testimony they wished to bear less clear.[1]

And yet, this evidence that conscientious objectors have not been exempt from the difficulties involved in the relation of every social heretic to his times, serves to emphasize the great thing that they did accomplish. This insignificant fraction of the youth of America challenged the power of the state when it was mightiest and the philosophy of war when it was most pervasive. They said, "You may kill us but you can't make us fight against our will." They said it not as men who court martyrdom but as men who serve principle; not as those who despised the state but as those who refused to make it God. If enough of them had said that thing in every land there would have been no war. If enough had said it in any one land it might not have been

[1] There is an interesting attempt now in process to live as an absolute objector to an unChristian social order. William G. Simpson, a young Presbyterian minister, was automatically exempt from the draft. His opposition to the war cost him his church. He was much impressed by the logic of the absolutists, and after months of thought determined himself to apply so far as possible their logic to daily life. Since he objected to the wage system he went to work wherever men needed him for what they might give him. Mr. Simpson believes primarily in the propaganda of a life rather than of words, but by speech and by letters he has made his influence felt.

left to Gandhi in India to organize passive resistance to a foreign conqueror. (Colonel Sedgwick Rice, once commandant at Fort Leavenworth could, one suspects, bear testimony that there was in the objectors a capacity for non-coöperation which a German war lord would have found it difficult to break.) The fact that the government was forced to treat with these men at all, that it dared not kill them and could not force them to kill is a significant precedent. In this war the objectors were few. But the memory of their defiance may some day help to break the spell which holds the patient masses like dumb, driven cattle in obedience to the financiers and diplomats for whose intrigues they pay with their lives under the grip of "the homicidal mania men call patriotism."

It is not likely that wars will be ended by the refusal of men to fight. Those who have resolved that there must be no more war should not forget that unless the causes of war are removed, well-founded fears and hatreds may submerge the popular desire for peace. But it is significant that in many countries today former soldiers and others are pledging themselves

against participation in new international wars—some of the pledges extend to all war—and that labor organizations are disposed to indorse that idea. A small minority of determined objectors to conscription for the next war will give a definiteness and driving force to the amorphous peace movement which the old peace societies quite lacked. That minority, thanks to conscientious objectors in this war, ought to have a more definite understanding of the meaning of their struggle than those opponents of conscription who yielded to the herd instinct.

The example of the conscientious objectors in war time ought also to strengthen a wholesome iconoclasm in peace time directed against that extraordinary idol, the political state, which, in Lord Acton's words, "suffers neither limit nor equality, and is bound by no duty to nations or to men, that thrives on destruction, and sanctifies whatever things contribute to increase of power." The cynic may argue that a people so proficient in the art of bootlegging as Americans scarcely needs encouragement in lawbreaking or in contempt for the state. It is part of our shame that the right to

drink is more highly prized than the right to think. The real test, however, of state worship in time of peace does not lie in men's attitude toward prohibition—the faithful have often been inclined to take minor liberties with their gods —but in their attitude to such autocracy as the misuse of injunctions in the name of the state but in the interests of the employing class. Labor might profitably reflect that its opposition to acts of tyranny like Mr. Palmer's injunction in the coal strike of 1919 and Mr. Daugherty's injunction in the railroad strike of 1922 might have taken on a more heroic quality if in the Great War the workers had not gone so far in acknowledging the supremacy of the state over conscience.

The duty of civil disobedience which Thoreau preached and the objectors practiced is not a thing to be undertaken lightly; it is not a cloak for a cynical contempt of law; rather it is a social principle which in extremity is the last recourse of brave and sincere souls. It is unlikely that a sense of comradeship rather than the pressure of coercion can ever become the bond

of social union until state worship has submitted to the test of such rigorous criticism as was involved in conscientious objection.

Yet the history of conscientious objection in the last war will not make the American state slow to impose conscription in another war. On the contrary, a wise government looking back on the experience of Mr. Baker and Mr. Keppel will find in it instructive lessons on how to bargain with men possessed of scruples against fighting. There will probably always be works of mercy; the raising of food, and other tasks of importance, which men who cannot be dragooned by threats into combatant service may perform under direction of the state to its own advantage. Mennonite farmers are more useful in war time raising wheat than are the same young men dead or in prison.

Competent humanitarians in relief work in France served the state, as well as society, far better than the same number of men could have done in the army. So long as they acknowledged the right of the government to conscript them for something by accepting the status of furloughed soldiers the government was not seri-

ously embarrassed in the assertion of its claims over the souls of its citizens. It knew that these pacifist relief workers were sustaining the morale of the civilian population in France without which the war might be lost. It knew, too, that the Friends' organization which worked harmoniously with the War Department in France found it hard to be very active in opposing the whole principle of conscription at home. It is significant that at most only two or three Friends were found among the absolutists. In England the number of Quaker absolutists was much greater and that for a variety of reasons, one being the less satisfactory provision for alternative service. The work of the Friends was beyond praise; it was a magnificent expression of Christian kindliness. But they were other virtues no less important which the absolutists incarnated and they unlike the relief workers have receivd no appreciation.

From the standpoint of the supremacy of conscience over conscription the absolutist [2] is the

[2] There are no accurate figures of the number of absolutists. It was small. Some men became absolutists in prison who would probably have accepted alternative service if offered them before their court-martial sentences.

torch bearer. In the next war as in the last he alone will present a problem which no skill in bargaining, no tests for the sincerity of one's pacifism, can solve. Of all objectors in the Great War the absolutist was most abused. There was logic in his unpopularity because he seemed to hold farthest aloof in a time of crisis. But there was no logic in the common charge that he was not conscientious and that he was a coward. He may not have been braver or more sincere than the other objectors but he gave more unimpeachable proof of the courage of his convictions. He faced court-martial in the expectation of a long prison term or even death, when by taking noncombatant or alternative service he might have escaped both those sufferings and the danger of the trenches. There was not a single absolutist among American objectors who did not have repeated chances to get this comparatively easy service. Instead, every absolutist chose the worst the War Department might impose. They were not court-martialed by mistake, they chose their fate.

Yet they were not unsocial and unwilling to serve their kind. They were summoned to the

army from useful work; left to themselves they might have chosen dangerous work for the common good. They would gladly have served, as Howard Moore did, in the influenza epidemic; they would have continued the work for prisoners of war in Europe that some of them had done before America entered the conflict; others would have done relief work in France even if it aided in the conduct of the war because of their overwhelming desire to relieve suffering. But they would not admit the sovereignity of the state over their convictions nor permit themselves to bargain with it for partial release from a war that seemed to them the negation of their ideal. These crusaders for a theory of life were better able than objectors merely to fighting, to appreciate the courage of men whose own convictions called them to the battle front. They did not expect their views to find favor in the midst of war and they were willing to die for them. Yet these were the men whom officers and editors and especially the preachers excepted from the grudging recognition they gave to conscience! All objectors to some degree challenged the religion of the state at the moment when war had raised it to its great-

est exaltation. Only the absolutists challenged it utterly. And only absolutists will make the issue sharp and clear if and when the next war comes.

Therefore no sympathetic historian of conscientious objection can speak of the past or of the future without emphasizing the significance of precisely that group of objectors which was most despised, derided, and persecuted. Their names will not be remembered; their deeds may be forgotten; yet if the day finally dawns when human society will be a fellowship of free men not the least of the prophets and pioneers of that dawning will be the absolutists of 1918 who, manacled to the bars of their dark cells like wild beasts, endured the interminable procession of the hours in solitary confinement.

POSTCRIPT

Four years have passed since the preceding chapters were written. Once more the voice of those who proclaim the duty of civil disobedience is heard in the land. This time, however, it is not the Conscription act but the Volstead act which is at stake. And the gentlemen who advocate and practice the duty of conscientious drinking are not to be found in Fort Leavenworth. Rather their utterances are honored by newspapers and forums which gave short shrift to the man who refused to kill at the behest of the State. And fairness compels me to add that some of the conspicuous friends of the conscientious objectors in the war are now conspicuous advocates of prohibition! Which may prove that circumstances alter cases; or that there are few minds in America so small as to entertain the vice of consistency; or that, after all, there is a difference between conscientious objection and conscientious drinking.

Mr. Clarence Darrow, who has recently proclaimed the duty of civil disobedience in reference to the Eighteenth Amendment, President Emeritus Hadley of Yale University, Walter Lippmann, the editor of the *New York World*, and other gentlemen who argue learnedly for the right of nullification of an unpopular law had little or nothing to say in behalf of conscientious objectors during the war or immediately after. But they can hardly deny that they have at least this in common with the men who gave Secretary Baker so much trouble: they do not believe that the supreme duty of man is to obey every law of the State. Neither they nor the conscientious objectors need be anarchists in the full sense of the term to assert an individual right, and perhaps a social duty, to disobey certain laws.

There are, however, notable differences in the position and conduct of the little band which proclaimed the supremacy of conscience in the war and the great army of those who nullify the Volstead act. The State claims a far more terrible authority when it takes over the direction of a man's whole life (as it does when it conscripts the disbeliever in war) than when it merely forbids in the name

of a higher social good a certain act in which the individual finds pleasure. Logically it is possible to argue all acts of disobedience to the law on the same plane. Actually there is an immense difference between conforming or not conforming to a law against selling liquor and disobedience to a law which compels a youth to surrender over to an external authority his whole life for investment in a form of organized destruction which he hates with all his mind and soul and heart.

There was also a striking difference in the way in which the conscientious objector, as contrasted with the conscientious drinker, carried out the duty of civil disobedience. The conscientious objector made known his position and quietly let the law take its course. He involved no one else in his particular punishment. The conscientious drinker may make known his position but he sees to it that he does not go to jail for it. His bootlegger does that if he is so unfortunate as to get caught, and in such bad favor with the authorities that he cannot bribe his way out of trouble. Conscientious objection to war if carried out on a sufficient scale might conceivably weaken the State in the presence of a foreign enemy. Conscientious drinking as at

present practiced in America, from whatever lofty motives, certainly weakens the State and society by its inevitable consequences of violence, hypocrisy, fraud, corruption, and contempt for law. The most high minded drinker has to get his liquor through the crooked mazes of bootleggers, hijackers and bribed officials.

This is not an argument for the wisdom or unwisdom of prohibition. It is not even an argument against conscientious drinking. It is simply a record of facts. At bottom what makes the average American extend to the conscientious drinker a tolerance or approval which he conspicuously denies to the conscientious objector is no abstract philosophy with regard to the individual and the State, however important such a philosophy may be. The war time appeal to the duty of absolute obedience is a rationalization of all the fear, hate, hysterical patriotism, and deification of the State without which modern wholesale warfare can not be carried on. It may at least make for a little clear thinking here in America if the gentlemen who preach and practice the duty of civil disobedience to the Eighteenth Amendment will remember that they cannot logically denounce

the conscientious objector for his refusal to surrender his whole life to the control of the State.

More closely related to war time conscientious objection than the widespread contempt for the Eighteenth Amendment is the position of a number of students in colleges where military training has been made compulsory. According to the latest figures, at least 60,000 students in colleges and high schools are required to take military training under the rules of the institution which they attend. Practically, this is a form of conscription. It is a comparatively rare student who has perfect freedom of choice of the institution which he will attend. Geographical location and family or financial compulsion of one sort or another are determining factors. Thus it comes to pass that in a country which has never accepted compulsory military training and service in peace time, a virtual conscription has been set up, for many of our finest young men. The fact that the amount of military service required is not great does not alter the nature of the compulsion. Military training is military training. It assumes the rightness of the whole war system. It is meant to prepare prospective soldiers.

To this indirect form of peace time conscription there has been considerable opposition both within and without the institutions directly affected. Under pressure the University of Wisconsin, Boston University, Pomona College, the College of the City of New York, the Cleveland High Schools and perhaps one or two other institutions have to a greater or lesser extent modified the compulsory feature. Other institutions have held fast. Compulsory military training is today required in 83 colleges and 21 high school systems. In many other high school systems military training although supposed to be optional is virtually compulsory.

In few of these institutions has objection gone to the extent of wholesale refusal by the students to submit to military discipline. There have, however, been some cases of this sort and it appears likely that there are to be more in the future. The colleges have met this type of conscientious objection in different ways. At State College, Pennsylvania, a student was forced to leave for refusing to drill. At Massachusetts Institute of Technology a student was excused from drill on condition that he do equivalent work. The "Midwest

Student" of February, 1927, published at the University of Minnesota, estimates that in that institution an average of 100 students have been expelled each year. It charges the university administration with favoritism. Some students are expelled and then reinstated. Some who are willing to make a test case of the matter are not expelled at all. This is, of course, a serious situation. We do not know the motives of all the students who have gone to the length of accepting expulsion rather than drill. It is fair to assume that such students are not merely seeking to escape a distasteful chore. Their action is an assertion of the old principle of the right of a man to judge where he shall stand on the question of war and preparation for it without surrendering himself to the control of external authority.

It is not necessary to go into the general questions of the advantages and disadvantages of military training in our colleges to argue that these men who at great inconvenience to themselves claim freedom from conscription are keeping alive a principle once held very dear by America. If the extension of compulsory military training in our colleges brought forth no such protest it would

be a sign that a further step toward universal military training and service might not be so difficult to take as Americans have assumed. When there is no objection to this sort of thing in peace time it is not likely that there will be much conscientious objection in time of war.

Parallel to the growth of the military training in the colleges has gone a growth, in the opposite direction, of extreme opposition to participation in another war. Clergymen who were mighty men of valor against the Hun—in their pulpits—during the last war have seen a great light and have announced that they cannot take part in another war. A good many laymen have followed their example. In England this general movement has taken the specific form of Arthur Ponsonby's famous Peace Letter, already signed by over 125,000 individuals who quietly assert their intention not to participate in another international war. The War Resisters International, represented in England by the No More War Movement, and in this country by the Fellowship of Reconciliation, the War Resisters League, the Women's Peace Society, and the Women's Peace Union, in its membership pledge goes to greater lengths and

pledges its members to non-participation in all wars; civil, domestic, revolutionary, or international.

Mr. Ponsonby's recent visit to the United States has familiarized some Americans with the idea of a Peace Letter. The Women's Peace Union, however, had already circulated a Peace Letter different from the one used in England. Also prior to Mr. Ponsonby's visit, the Reverend Sidney Strong of Seattle had started here a Peace Letter to the President in the same form as the British Peace Letter to the Premier. A campaign for signers of this letter is now being conducted by the War Resisters League and the Women's Peace Society.

It will be remembered that various no-conscription leagues persuaded hundreds of enthusiastic young men to take no part in war prior to the passage of the draft act in 1917. Under pressure of the war psychology even more than under fear of punishment most of these young men forgot their pledges. Whether a similar history would have to be written of those who now declare their steadfast opposition to all war only the tragic event of a new war could decide. Nevertheless,

in the struggle to avert such a calamity and to establish a true and lasting peace the avowed determination of men not to fight may well play a considerable part.

No mere objection to participation in war is likely to save us in a world where a rampant imperialism with all its injustices is accepted as the natural and normal state of affairs. The struggle against war must proceed on many lines and we may differ in our estimate of their relative importance. Surely we must all agree that any movement which challenges the docility with which individual citizens accept war and preparation for war in the various countries of the world is one approach to peace. In other words, such peace time expressions of conscientious objection as we have noticed have some significance in relation to the problem of war. At the least they show that militant pacifism still lives. They have more significance to the problem of the relation of the individual to the State. This problem we have with us in time of peace as well as war. Yet in a world free from the menace of war it would be possible to look with clearer eyes on the question whether a man's debt to society may or may not

require at times his disobedience to the State. The assertion of any liberal and humane philosophy is bound up into the problem of peace.

More than two hundred and fifty years ago the great philosopher, Spinoza, challenged the world by his conception of a state whose true end is liberty. When such a state is established among men, then and only then, can we look for an end of conscientious objection. Until then we may have reason to proclaim conscientious objectors, whether or not we agree with their particular objection, as among the heroes of liberty and the pioneers of progress.

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